

Indiana Laws, Statutes, etc.
L A W S

OF THE

STATE OF INDIANA,

PASSED AT

THE FORTY-THIRD REGULAR SESSION

OF THE

GENERAL ASSEMBLY,

BEGUN ON THE FIFTH DAY OF JANUARY, A. D. 1865.

BY AUTHORITY

INDIANAPOLIS:

W. R. HOLLOWAY, STATE PRINTER.

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L A W S.

AN ACT to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be annually assessed and collected, as State and county revenues are assessed and collected, sixteen cents on each one hundred dollars of taxable property, real and personal, in the State, and fifty cents on each taxable poll, for the purpose of supporting a general system of Common Schools: *Provided, however,* That the taxes aforesaid shall not be levied and collected from negroes nor mulattoes. Tax. Provide.

SEC. 2. The funds heretofore known and designated as the surplus revenue funds, all funds heretofore appropriated to Common Schools, the saline fund, the bank [tax] fund, the fund which has been derived, or may be derived from the sale of county seminaries and the property belonging thereto, the moneys and property heretofore held for such seminaries, all fines assessed for breaches of the penal laws of the State, all forfeitures which may accrue, all lands and other estate which shall escheat to the State for want of heirs or kindred entitled to the inheritance thereof, all lands which have been granted, or may be granted hereafter, to the State, when no special object is expressed in the grant, the proceeds of the sales of the swamp lands granted to the State of Indiana by the act of Congress of September, 1850, the taxes which may be assessed from time to time upon the property of corporations for Common School purposes, the fund arising from the 114th section of the charter of the State Bank of Indiana, shall be denominated the Common What to constitute Common School Fund.

Deeds 4733

School Fund, and the fund derived from the sale of Congressional Township School lands, and the unsold Congressional Township School land at the reasonable value thereof, shall be denominated the "Congressional Township School Fund," and shall never be diminished in amount, the income of which, together with the taxes mentioned and specified in the first section of this act, the money and income derived from licenses for the sale of intoxicating liquors, and unclaimed fees, as provided by law, shall be denominated the School Revenue for Tuition; the whole of which is hereby appropriated and shall be applied exclusively to furnishing tuition to the Common Schools of the State, without any deduction for the expense of collection or disbursement.

Income of fund
applied only to
tuition.

Counties liable
for fund.

SEC. 3. The several counties of this State shall be held liable for the preservation of so much of said fund as is entrusted, or may have been entrusted to them, and for the payment of the annual interest thereon at the rate established by law, the payment of which interest shall be full and complete every year, and shall so appear in the Auditor's report to the Superintendent of Public Instruction; and the said Superintendent shall, at any time, when he discovers, from the report, or otherwise, that there is a deficit in the amount collected for want of prompt collection, or otherwise, direct the attention of the Board of County Commissioners and the County Auditor to the fact, and said Board of Commissioners are hereby authorized and required to provide for such deficit in their respective counties.

School corpora-
tions.

SEC. 4. Each civil township, and each incorporated town or city in the several counties of the State, is hereby declared a distinct municipal corporation for school purposes, by the name and style of the civil township, town, or city corporation respectively, and by such name may contract and be contracted with, sue and be sued, in and court having competent jurisdiction, and the Trustees of such township, and the Trustees provided for in the next section of this act, shall, for their township, town, or city, be School Trustees, and perform the duties of Clerk and Treasurer for school purposes.

Common Coun-
cil and Board of
Trustees shall
elect School
Trustees.

SEC. 5. The Common Council of each incorporated city, and the Board of Trustees of each incorporated town of this State shall, at their first regular meeting in the month of April of the present year, and biennially thereafter, elect three School Trustees, who shall, before entering upon the duties of their office, take and subscribe an oath and give bond, similar to the oath and bond required of Township Trustees, and such Trustees shall be allowed such reasonable compensation, per diem, for their services, as to the authorities of such incorporated cities and towns, may be deemed just to be paid out of the special tax raised in such cities or towns.

Compensation
of Trustees.

SEC. 6. The County Auditor, in fixing the penalty and approving and accepting the bonds of any such Trustees shall see to their sufficiency to secure the school revenues which may come into their hands, as well as the ordinary township or other revenues; and in case of a vacancy in the office of Trustee, the County Auditor shall appoint a person to fill the same, who shall take an oath and give bond as required in the last preceding section; and said Auditor shall report to the Superintendent of Public Instruction the name and post office address of each Trustee.

Auditor to require sufficient bond of trustees.

SEC. 7. The School Trustees of every township, incorporated town or city, shall receive the special school revenue belonging thereto, and the revenue for tuition which may be apportioned to his township, town or city, by the State, for tuition or the Common Schools; and shall pay out the same for the purpose for which such revenues were collected and appropriated. Such Trustees shall keep accurate accounts of the receipt and expenditure of such revenues, and shall render to the County Commissioners, at their March session, annually, and as much oftener as they may require, a report thereof, in writing, for the year then ending, which report shall clearly and separately state,

Trustees shall receive and pay out school revenue.

Trustees shall keep account of the receipt and expenditure of school revenue, and report the same annually to the county commissioners at their March term.

1st. The amount of special school revenue, and of school revenue for tuition, on hand at the commencement of the year then ending.

Items reported.

2d. The amount of each kind of revenue received within the year, giving the amount of tuition revenue received at each semi-annual appointment thereof.

3d. The amount of each kind of revenue paid out and expended within the year.

4th. The amount of each kind of revenue on hand at the date of said report, to be carried to the new account, and shall, with said report, present and fill a detailed account current of the receipts and payments for the year, and support the same by proper vouchers, which report and account current shall each be duly verified by affidavit; and when the said County Commissioners are satisfied that said report is full, accurate and right, in all respects, and that said account is just and true, they shall allow and pass the same, which shall have the effect to credit the Trustee for the expenditures. A copy of said report, as passed and allowed by the County Commissioners, shall, within ten days after its date, be filed by the Trustee, with the School Examiner of the county, and, upon failure of the Trustee to discharge any of the duties required by him, relative to schools and school revenues, the Board of County Commissioners shall cause suit to be instituted against him, on his official bond, and, in case of recovery against him, the court rendering the judgment shall assess upon the amount thereof ten per cent. damages, to be included in said judgment.

Trustee failing to discharge any of the duties required of him, relative to schools and school revenues, the Board of County Commissioners shall cause suit to be instituted against him.

Trustees to keep
a record of their
proceedings.

SEC. 8. The Trustees shall keep a record of their proceedings relative to the schools, including all orders and allowances on account thereof; including, also, accounts of all receipts and expenditures of school revenue, distinguishing between the special school revenue belonging to their township, town or city, and the school revenue for tuition which belongs to the State, and by it apportioned to their township, town or city, which said revenue for tuition they shall not permit to be expended for any other purpose, nor even for that purpose, in advance of its apportionment to their respective corporations.

School revenue
not to be ex-
pended in ad-
vance of appor-
tionment.

SEC. 9. The Township Trustees, and the School Trustees of incorporated towns and cities shall, immediately after their annual settlements with the County Commissioners, in March, make a full statement of all their receipts and expenditures, for the year preceding, relative to their schools.

Trustees to em-
ploy teachers.

Shall establish
schools and pro-
vide suitable
houses, furni-
ture, apparatus,
&c.

May establish
graded schools.

SEC. 10. The Trustees shall take charge of the educational affairs of their respective townships, towns and cities, employ teachers, and shall establish and locate, conveniently, a sufficient number of schools for the education of the white children therein, and build or otherwise provide suitable houses, furniture, apparatus and other articles and educational appliances necessary for the thorough organization and efficient management of said schools. They may, also, establish graded schools, or such modifications of them as may be practicable; and provide for admission into the higher departments of the graded school, from the primary schools of their townships, such pupils as are sufficiently advanced for such admission. They shall have the care and management of all property, real and personal, belonging to their respective corporations for Common School purposes, except the Congressional Township School Lands, which lands shall be under the care and management of the Trustee of the civil township to which such lands belong.

Schools to be
taught an equal
length of time.

SEC. 11. All schools in a township shall be taught an equal length of time, as nearly as the same can be done, without regard to the diversity in the number of pupils at the several schools, or the cost of the school, and each of said schools shall be numbered by the proper Trustee as school number —.

Trustees may
levy a tax.

SEC. 12. The Trustees of the several townships, towns and cities shall have power to levy a special tax, in their respective townships, towns or cities, for the construction, renting or repairing of school houses, providing furniture, school apparatus and fuel therefor, and for the payment of other necessary expenses of the school, except tuition; but no tax shall exceed the sum of twenty-five cents on each one hundred dollars' worth of taxable property, and fifty cents on each poll, in any one year, and the income from said tax shall be denominated the special school revenue; and any tax-payer who

may choose to pay to the Tréasurer of the township, town or city wherein said tax-payer has property liable to taxation, any amount of money, or furnish building material for the construction of school houses, or furniture or fuel therefor, shall be entitled to a receipt therefor form the Trustee of said township, town or city, which shall exempt such tax-payer from any further taxes for said purpose, until the taxes of said tax-payer, levied for such purposes, would, if not thus paid, amount to the sum or value of the materials so furnished, or amount so paid: *Provided*, That said building materials, or furniture and fuel shall be received at the option of said Trustee.

May receive donations in advance of future taxes and give a receipt therefor.

Proviso.

SEC. 13. The County Auditor shall, upon the property and polls liable to taxation for State and county purposes, make the proper assessments of special school tax levied by the Trustee, in the same manner as for State and county revenue, and shall set down the amount of said tax on his tax list and duplicate thereof, as other taxes are set down, in appropriate columns, and he shall extend said assessment to the taxable property of the person transferred, which is situated in the township, town, or city to which the transfer is made, and to the property and poll of the person transferred, situate in the township, town, or city in which the person taxed resides, according to the rate and levy thereof, in the township, town, or city to which the transfer is made, and for its use; and said tax shall be collected by the County Treasurer as other taxes are collected, and shall be paid, when collected, to the Treasurer for school purposes of the proper township, town, or city, upon the warrant of the County Auditor; and to enable County Auditors correctly to assess said tax, the School Examiners of the several counties shall, at the time they make out and report to the Auditor the basis of the apportionment of school revenue for tuition, as required by section 42 of this Act, make out and report to said Auditors a statement of transfers which have been made for school purposes according to sections 14 and 16 of this Act.

County Auditor shall make assessments of special school tax levied by Trustee.

Tax to be collected and paid out by County Treasurer.

School Examiners to report transfers to Auditors.

SEC. 14. The Trustees of the several townships, towns, and cities shall, between the first of July and the first of September, in each year, make an enumeration of the white children within their respective townships, towns, and cities, between the ages of six and twenty-one years, exclusive of married persons; and in making said enumeration, the Trustee shall list the names of parents, guardians or heads of families, male or female, having charge of such children; and opposite each name, in appropriate columns, he shall enter the whole number of such children in charge of the person so named, specifying particularly the number of males, the number of females, the number of the school to which such

Time and manner of making enumeration by Trustee.

person is attached for school purposes, and the number and initials which designate the Congressional township in which such person resides, including in said list and enumeration the names of such persons as have been transferred to his township, town, or city, from other townships, towns, or cities, and the enumeration of their children, and excluding therefrom the names and number of children of such persons as have been transferred from his township, town, or city, to other townships, towns, or cities, and each Township Trustee, upon making the first enumeration after the taking effect of this Act, shall inquire of each person whose name he so lists, to which school he or she desires to be attached, and such persons, upon making their selection, shall be considered as forming the school district of the school selected, and none shall be allowed thereafter to attach themselves to, or have the privilege of any other school but by the consent of the Trustee, for good cause shown; and at subsequent enumerations the same inquiry shall be made by the Trustee of the parent, guardian, or head of family having charge of children between the ages aforesaid, whose residence has been changed, or whose children have become subject to be enumerated for the first time since the last enumeration; and in case a change in the location of a school in the township has been made since the last enumeration, the Trustee shall make the same inquiry of the persons whose school privileges are affected by such change. But said inquiries need not be made by the Trustees of incorporated towns and cities when they take their enumerations. The persons listed in each of such towns and cities, shall be considered as forming but single school districts therein, distinct from the townships in which they are situated.

Persons listed in each town or city shall be considered as forming but a single school district.

Who are voters at school meetings.

SEC. 15. Any person who is a voter at township elections, and has no children in charge, between the ages of six and twenty-one years, by making application to the Trustee of his township, while the enumeration is being made, and by indicating to said Trustee his selection of the school to which he desires to be attached, may have his name listed by said Trustee, on the enumeration list, and be attached to the school selected, and thus become entitled to the privileges of said school, and be a voter at its school meetings. Such persons, together with the parents, guardians and heads of families mentioned in section 14, and the persons transferred from other townships and attached to said school as provided in sections fourteen and sixteen of this act, shall be the only persons entitled to vote at the meetings of the school so selected, and all other persons shall be excluded from voting at such meetings.

Trustees may transfer scholars from one township to another.

SEC. 16. When persons can be better accommodated at the school of an adjoining township, or of any incorporated

town or city, the Trustee of the town or city in which such persons reside, shall, if such persons so request, at the time of making the enumeration, transfer them, for educational purposes, to such township, town or city, and notify the Trustee of such transfer, which notice shall furnish the enumeration of the children of the persons so transferred. And each Trustee shall, with his report of the enumeration, report distinctly the persons transferred to his township, town or city, for school purposes, indicating in said report the number of children in charge of the persons transferred, with the same particularity that is observed in the enumeration.

SEC. 17. Each person so transferred for educational purposes, to a township, town or city, in an adjoining county, shall, annually, pay to the Treasurer of such township, town or city (when a tax is levied therein for the purposes aforesaid,) a sum equal to the tax levied, computing the same upon the property and poll liable to tax, of such persons in the township, town or city where he resides, according to the valuation thereof, by the proper Assessor, and, in default of such payment, shall be debarred from educational privileges in the township, town or city where he resides, according to the valuation thereof, by the proper Assessor, and, in default of such payment, shall be debarred from educational privileges in the township, town or city in which he resides, of [by] such exclusion, which payment shall release his property from special school tax, in the township in which he resides.

Persons so transferred shall pay tax to Treasurer of township to which they are transferred.

SEC. 18. Each Trustee shall, on or before the first day of September, annually, report to, and file with, the School Examiner of the proper county, a copy of his said list and enumeration, with his affidavit endorsed thereon, to the effect that the same is, to the best of his knowledge and belief, full and accurate, and that the enumeration does not include persons who are less than six nor more than twenty-one years of age.

Trustee to file with examiner his list of enumeration.

SEC. 19. When a Congressional township is located in two or more counties, the proper Trustee for each portion thereof in the several counties, shall report at the same time, and in like manner, as provided in the last preceding section, to the School Examiner of the county in which the Congressional township fund of such township is held in trust and managed.

When a Congressional township is divided by a county line, the trustee of each part to report to the examiner of the county in which its fund is managed.

SEC. 20. To enable the Trustees to make reports which are required of them by this act, the teacher of each school, whether in township, town or city, shall, at the expiration of the term of the school for which such teacher shall have been employed, furnish a complete report to the proper Trustee, verified by affidavit, showing the length of the school term, in days, the number of teachers employed, male and female, and their daily compensation, the number of pupils admitted during the term, distinguishing between males and females,

Teachers to report to township trustees.

and between the ages of six and twenty-one years, the average attendance, books used, and branches taught, and the number of pupils engaged in the study of each branch; and, until such report shall have been so filed, such Trustees shall not pay more than 75 per cent. of the wages of such teacher, for his or her services.

Trustees to report to the school examiner.

SEC. 21. The Trustees of each township, town or city, shall, at the time of making their reports to the School Examiner, of the enumeration of the children, report and furnish statistical information obtained from teachers of the schools, of their respective townships, towns or cities, and embody in a tabular form the following additional items: The number of districts; schools taught, and their grades; teachers, male and female; average compensation of each grade; balance of tuition revenue on hand at the commencement of the current year; amount received during the year from the County Treasurer, and amount expended within the year for tuition, and balance on hand; length of school taught within the year, in days; school houses erected during the year; the cost of the same; the number and kind before erected, and the estimate value thereof, and of all other school property; number volumes in the library; and the number taken out during the year ending the first day of September, also, the number of volumes added thereto; assessment on each one hundred dollars of taxable property, and [on] each poll of special tax for school house erection, and amount of such levy; balance of special school revenue on hand at the commencement of the current year; amount received during the year from the County Treasurer; the amount of said revenue expended during the year, and balance on hand; the number of acres of unsold Congressional school lands, the value thereof, and the income therefrom, together with such other information as may be called for by the School Examiner and Superintendent of Public Instruction.

Any trustee failing to report, examiner shall notify auditor of such failure.

SEC. 22. On failure of any Trustee to make either the statistical report required by the last preceding section of this act, or the report of the enumeration required by the sixteenth section of this act, or the report of finances required by the seventh section of this act, to the School Examiner, at the time, and in the manner specified for each of said reports, the School Examiner to whom such report is due, shall, within one week of the time the next semi-annual apportionment is to be made by the Auditor of his county, notify said Auditor, in writing, of any such failure, and the Auditor shall diminish the apportionment of said township, town or city by the sum of twenty-five dollars, and withhold from the delinquent Trustee the warrant for the money apportioned to his township, town or city, until such delinquent report is duly made and filed. For said twenty-five

dollars, and any additional damages which the township, town or city may sustain, by reason of stopping said money, said Trustee shall be liable on his bond, for which the County Commissioners may sue.

SEC. 23. If a Trustee shall fail to discharge any of the duties of his office relative to the schools, any person may maintain an action against him for every such offense, in the name of the State of Indiana, and may recover for the use of the Common School Fund any sum not exceeding ten dollars, which sum, when collected, shall be paid into the county treasury, and added by the County Auditor to said fund, and reported accordingly.

Forfeiture for failure of trustee to make report.

SEC. 24. Any person elected or appointed such Trustee who shall fail to qualify and serve as such, shall pay the sum of five dollars, to be recovered as specified in the preceding section, for the use therein named, and in like manner added to said fund, unless such person shall have previously served as such Trustee.

Action against township trustee.

SEC. 25. The voters as defined in sections 14, 15, and 16 of this act, shall meet annually on the first Saturday in October, and elect one of their number Director of such school, who shall, before entering upon duty, take an oath faithfully to discharge the same. The Director so elected shall, within ten days after said election, notify the Trustee of his election, and, in case of failure to elect, the Trustee shall forthwith appoint a Director of said school; but any Director so appointed may be removed upon a petition of three-fourths of the persons attached to said school, who are entitled to vote at school meetings.

Directors, how chosen.

SEC. 25 [26]. The voters at school meetings, as provided in sections 14, 15 and 16 of this Act, may hold other school meetings at any time, upon a call of the Director, or any five of such voters. Five days' notice shall be given of such meeting by posting notices in five public places in the vicinity; but no meeting shall be illegal for want of such notice, in the absence of fraud, and the legality of such proceedings, if called in question, shall be determined by the Trustee of the township, subject to an appeal to the School Examiner, whose decision shall be final. Such school meetings shall have power to designate their teacher, to determine what branches, in addition to those mentioned in section 34 of this act, they desire shall be taught in such school, and the time at which said school shall be taught: *Provided, however,* That the tuition revenue apportioned to the school, shall be expended within the school year for which it was apportioned, and *provided further,* That such school year shall begin the first Monday in April. Such school meetings shall likewise have power to fill vacancies that may occur in the office of Director, to direct such repairs as they may

Meetings other than annual may be held.

No such meeting to be illegal for want of notice in the absence of fraud.

Appeal to examiner.

School meetings shall have power to designate teachers, branches to be taught, and time school shall be taught.

Proviso.

School meetings shall have power to fill vacancies.

deem necessary in their school [house], to petition the Township Trustee for the removal of their school house to a more convenient location, for the erection of a new one, or the sale of an old one, and the lands belonging thereto, and upon any other subject connected therewith: *Provided*, That nothing herein contained shall prevent the Trustee from exercising a sound discretion as to the propriety or expediency of making such repairs, removing or erecting school [houses], and the cost thereof.

School meetings to furnish estimate of cost of erection, &c., petitioned for.

Trustees shall not employ persons to teach without they have license.

Trustee shall dismiss teacher on petition of a majority of voters.

Duties of director.

Duties of director.

Duties of director.

SEC. 27. When such meetings shall petition the Trustee in regard to repairs, removal or erection of a school house, they shall also furnish to such Trustee an estimate of the probable cost of such repair, removal or erection.

SEC. 28. Trustees shall employ no person to teach in any of the Common Schools of the State, unless such person shall have a license to teach, issued from the proper State or county authority, and in full force at the date of the employment; and any teacher who shall commence teaching any such school without a license shall forfeit all claim to compensation out of the school revenue for tuition, for the time he or she teaches without such license; and if a teacher's license shall expire by its own limitation within a term of employment, such expiration shall not have the effect to stop the school, or stop the teacher's pay; and the said Trustee shall not employ any teacher whom a majority of those entitled to vote at school meetings, have decided, at any regular school meeting, they do not wish employed; and at any time after the commencement of any school, if a majority of such voters petition such Trustee that they wish the teacher thereof dismissed, such Trustee shall dismiss such teacher, but only upon due notice, and upon good cause shown; but such teacher shall be entitled to pay for services rendered.

SEC. 29. The Director of each school shall preside at all meetings of the inhabitants connected therewith, and record their proceedings; he shall also act as the organ of communication between the inhabitants and the Township Trustees.

SEC. 30. He shall take charge of the school house, and property belonging thereto, under the general order and concurrence of the Trustee, and preserve the same, and shall make all temporary repairs of the school house, furniture, and fixtures, and provide the necessary fuel for the school, and report the cost thereof to the Trustee for payment.

SEC. 31. He shall visit and inspect the school, from time to time, and, when necessary, may exclude any refractory pupil therefrom; but the exclusion of any pupil from the school for disorderly conduct shall not extend beyond the current term, and may be, in the discretion of the Director, for a shorter period.

SEC. 32. The decision of the director, in excluding a pupil, shall be subject to appeal to the Township Trustee, whose decision shall be final. Appeal from decision of director.

SCHOOL EXAMINER.

SEC. 33. The Boards of County Commissioners, of the several counties, shall, at their June session, in eighteen hundred and sixty-five, and triennially thereafter, appoint for their respective counties a School Examiner, whose official term shall expire as soon as his successor is appointed and qualified, who, before entering upon the duties of his office, shall take and subscribe an oath according to law, which oath shall be filed with the County Auditor; and all the proceedings relating thereto shall conform to the law relative to oaths of public officers; and thereupon the several County Auditors shall report the name and post-office address of the person appointed in their respective counties, to the Superintendent of Public Instruction: *Provided, however,* That the said Board of Commissioners shall have power to dismiss any School Examiner for immorality, incompetency or general neglect of duty. But no examiner shall be dismissed without giving him written notice, under the hand and seal of the Auditor, ten days before the first day of [the] term of the Court of Commissioners, at which the cause is to be heard, and the said notice shall state the charges preferred against the said Examiner, the character of the instrument in which they are preferred, whether petition, complaint or other writing, and the name of those preferring the same. Examiners, how appointed.

SEC. 34. Said School Examiner shall examine all applicants for license as teachers of the Common Schools of the State, by a series of written or printed questions, requiring answers in writing, if he wishes so to do, and in addition to the said questions and answers in writing, questions may be asked and answered orally; and if, from the ratio of correct answers and other evidences disclosed by the examination, the applicant is found to possess a knowledge which is sufficient in the estimation of the Examiner to enable said applicant successfully to teach in the Common Schools of the State, orthography, reading, writing, arithmetic, geography, English grammar, physiology and the history of the United States, and to govern such a school, said Examiner shall license said applicant for the term of six months, twelve months, eighteen months or two years, according to the ratio of correct answers and other evidences of qualification given upon said examination, the standard of which shall be fixed by the examiner; and applicants, before being licensed, shall produce to the Examiner the proper Trustees' certificate, or other satisfactory evidence of good moral character: *Pro-* To examine all applicants for license.

Qualification of teachers.

Length of time for which license may be granted.

Applicants shall produce evidence of good moral character.

Proviso.

vided, That after an applicant has received two licenses in succession, for two years, in the same county, the Examiner thereof, after the expiration of the last license issued, may renew the same without a re-examination, at his discretion.

When teachers must be examined as to ability to teach higher branches.

SEC. 35. If the persons attached to and forming a school district, have, at their school meeting designated other branches of learning in addition to those in the last section above mentioned, which they desire to have taught in their school, the Trustee, in employing a teacher for said school, shall require said teacher to be examined as to his or her qualifications to teach such additional branches.

School examiner shall have power to revoke licenses.

SEC. 36. The School Examiner shall have power to revoke licenses granted by him or his predecessors, for incompetency, immorality, cruelty, or general neglect of the business of the school, and the revocation of the license of any teacher shall terminate the school which such teacher may have been employed to teach.

School examiner shall hold public examination.

SEC. 37. The School Examiner shall hold one public examination each month in the year, in his county, and in no case shall he grant a license upon a private examination, and all licenses granted by him shall be limited to the county in which they are granted. For each person examined he shall be entitled to a fee of one dollar, which fee shall constitute the only compensation he shall receive for services rendered in examining teachers.

Examiner's fee.

Examiner shall provide blank books.

SEC. 38. The Examiner shall provide a blank book at the expense of the county, in which he shall keep minutes of his proceedings, and shall deliver said record, and all other books, papers and property appertaining to his office, to his successor, and take a receipt therefor. Said Examiner shall, in the last week of May, annually, report to the Superintendent of Public Instruction, the names of the persons to whom he has granted license since the last report, for his county, distinguishing between those licensed for six, twelve, eighteen and twenty-four months, giving the number of males and the number of females, and total number licensed, and the number, but not the names, of applicants for license who have been rejected, and the number of licenses revoked.

Examiners to report to Superintendent the persons licensed by them.

Examiners shall visit schools.

SEC. 39. Said Examiner shall constitute a medium of communication between the Superintendent of Public Instruction and the subordinate school officers and the schools; they shall visit the schools of their respective counties as often as they may deem it necessary, during each term, for the purpose of increasing their usefulness, and elevating, as far as practicable, the poorer schools to the standard of the best; advising, and securing, as far as practicable, uniformity in their organization and management, and their conformity to the law and the regulations and instructions of the State Board of Education and Superintendent of Public Instruc-

tion, and shall encourage Teachers' Institutes and Associations. They shall receive from the Trustees their reports of enumeration, and their regular school and other reports, which are required by law to be made by them, and otherwise gather up the necessary data and information, including that relative to private schools, high schools, colleges, and other private institutions of learning within their respective counties, so as to present a view of the educational facilities of the State, and enable them to make full and complete reports to the Superintendent of Public Instruction, and receive for, and distribute to, the Township Libraries such books as may be furnished for them, and advise such a disposition and use of them as will tend to increase their usefulness; and advise the Trustee as to the most approved school furniture, apparatus, and educational agencies, and, as far as practicable, they shall furnish Trustees and teachers with the regular forms, blanks, regulations, instructions and reports, which issue from the Department of Public Instruction, and relate to their respective branches of the school service.

Shall receive reports of trustees.

Shall receive and distribute books.

Shall furnish trustees and teachers with forms, &c.

SEC. 40. When any Trustee shall neglect to file with the School Examiner an enumeration of the children of the township, town or city, as hereinbefore provided, the School Examiner shall, immediately after the first day of September, in each year, employ a competent person to take the same, and allow a reasonable compensation for such services, payable from the special school revenue of the township, and shall proceed to recover the same in the name of the State of Indiana, for the use of said revenue of said township, by action against the said Trustee in his individual capacity; and in such suit, the School Examiner shall be a competent witness.

When examiner may cause enumeration to be taken.

SEC. 41. The School Examiner shall, on or before the fifteenth day of September, annually, make out and forward to the Superintendent, the enumeration of their respective counties, with the same particular discrimination required of the Trustee. They shall also furnish the statistical information which Trustees are required to report to them, in such form as may be prescribed by the Superintendent of Public Instruction.

Examiner to report to superintendent.

SEC. 42. The School Examiners shall make out from the lists of enumeration, and the reports of transfers, the basis of the apportionment of school revenue to the several townships, towns and cities, of their respective counties, and parts of Congressional townships of adjoining counties, whose Congressional township fund is managed in their counties, and report the same to the proper County Auditor by the first day of November annually, so as to enable the County Auditor to accurately apportion the school revenue for tuition, according to section 118 of this act.

Examiner to make basis of apportionment.

SEC. 43. The said School Examiner shall receive three

Examiner's per diem.

Proviso.

dollars per day for every day actually employed in the discharge of the duties required by this act, to be paid out of the ordinary county revenue; and before the Board of County Commissioners shall allow his claim for service, the same shall be filed in a bill of account, and be verified by affidavit to the effect that the said account is just and true; that the service therein named was honestly and faithfully rendered, and the account therein claimed is rightly due and remains unpaid. The County Auditor shall draw his warrant on the County Treasurer, for the amount allowed by the Board in favor of said Examiner, and the Treasurer shall pay the said warrant out of the revenue aforesaid: *Provided, however,* that the said Board of Commissioners shall have power to determine the number of days in each year in which the School Examiner may labor in the performance of the duties required of him; and, *provided further,* that he shall receive no per diem for the days spent in examining Teachers.

OF THE LANDS BELONGING TO THE CONGRESSIONAL TOWNSHIP FUND.

Custody of lands belonging to congressional township fund.

SEC. 44. The custody and care of all lands belonging to the Congressional Township Fund shall be with the Trustee of the civil township in which the same shall be situated, who shall report annually to the Auditor by the fourth Monday in March the annual income derived therefrom, to the township.

When trustees may lease lands.

SEC. 45. They shall have power, when directed so to do, by a vote, or by the written direction of a majority of the voters of the Congressional township to which the same belongs, to lease such lands for any term not exceeding seven years, reserving rents payable in money, property or improvements upon the land, as may be directed by the majority of such voters.

Who to have custody of congressional township land when divided by a civil township line.

SEC. 46. When the sixteenth section, or the section which may be granted in lieu thereof, shall be divided by a county or civil [township] line, or where the substituted section lies, in any other county in the State, the voters of the Congressional township to which the same belongs shall designate, by vote, or by the written direction of a majority [of] the Trustees of one of the civil townships, including a part of said section, to have the care and custody of said section, and to carry out the directions of the voters of the township in relation thereto; and the Trustee so designated shall have the same powers and perform the same duties as if the entire section was situated within the limits of the civil township, and receive from the County Treasurer the revenue derived from funds accrued from said sale.

Powers of trustees in relation to school lands.

SEC. 47. The proper Trustees shall have all the rights and powers of a landlord, in their official name, in coercing

fulfillments of contracts relating to such lands, and preventing waste or damage, or for the recovery of the same when committed.

SEC. 48. At any time when five voters of any Congressional township shall, by petition to the Trustees having charge of the school land belonging to such township, set forth their desire for the sale of all or any part of the school land, the Trustees shall give public notice, in five public places, in such township, of the time and place, in such township, when and where a balloting will be had to determine whether [the land] shall be sold as petitioned for or not, which notice shall be given at least twenty days before the time specified therein.

Sale of school lands determined by ballot.

SEC. 49. A copy of such petition shall be entered on the book containing the record of the proceedings of such Trustees, and his action thereon shall, also, be recorded.

Petition of sale to be recorded.

SEC. 50. If a voter favor the sale of such land he shall write on his ballot the word "Sale;" if he oppose the sale he shall write the words "No sale."

SEC. 51. No sale shall be allowed unless a majority of all the votes cast at such election shall be in favor of such sale, nor unless the number of votes constituting such majority shall exceed fifteen.

When sale shall not be allowed.

SEC. 52. The Trustees shall attend at the time and place specified, and shall make out a certificate showing the number of votes given for and against such sale, which shall be signed by him and filed in his office, and he shall enter the same upon his record book.

Certificate of vote to be made by trustee.

SEC. 53. Said Trustee, if satisfied that a majority of all and more than fifteen voters have voted for such sale, he shall enter the same on his record book, and proceed—

Proceedings for sale.

First, To divide the lands so voted to be sold into such lots as will secure the best price.

Second, To affix a minimum price to each lot, not less than one dollar and twenty-five cents per acre, below which it shall not be sold.

Third, To certify such division and appraisement to the proper County Auditor, together with a copy of all his proceedings in relation to the sale of said lands.

SEC. 54. Such certificate and return shall, by such Auditor, be laid before the Board of County Commissioners, at their first meeting thereafter, and said Board, if satisfied that the requirements of the law have been substantially complied with, shall direct such lands to be sold, which sale shall be conducted as follows :

Commissioners to direct the sale of such lands.

First, It shall be made by the Auditor and Treasurer.

Second, Four weeks' notice of the same shall be given, by posting notices thereof in three public places of the township where the land is situated, and at the Court House door, and by publication in a newspaper printed in said county, if any ;

otherwise, in the newspaper of any county in the State situated nearest thereto. The sale shall be made by the Auditor, at public auction, at the door of the Court House of the county in which the land is situate, and the Treasurer shall take an account thereof; and each of the said officers, for making such sale, shall receive a fee of one dollar, to be paid by the purchaser.

Terms of sale.

SEC. 55. One-fourth of the purchase money shall be paid in hand, and interest for the residue for one year in advance, and the residue in ten years from such sale, with like interest annually, in advance; and deferred payments shall be regarded as a part of the Congressional township school fund, and reported as such by the Auditor to the Superintendent of Public Instruction.

Contract, how forfeited.

SEC. 56. On failure to pay such annual interest when it becomes due, the contract shall become forfeited and the land shall immediately revert to the township, and the Auditor and Treasurer shall proceed forthwith again to sell the same in like manner and on the terms above specified; if on such second sale such land shall produce more than sufficient to pay the sum owing thereof, [therefor] with interest and cost, and five per cent. damages, the residue shall, when collected, be paid over to the first purchaser or his legal representative.

How revived.

SEC. 57. At any time before the sale, payment of the interest due, and all costs, together with two per cent. damages on the principal sum and interest due and owing for said land, shall prevent such sale and revive the original contract.

In case of forfeiture, purchaser responsible for waste.

SEC. 58. In case of such forfeiture, the original purchaser may be sued for waste or unnecessary injury done to such land.

Suit for waste, by whom prosecuted.

SEC. 59. Such suit shall be prosecuted by the Auditor in the name of the State, for the use of the proper Congressional township.

When may be sold at private sale.

SEC. 60. When any land offered for sale at public auction shall remain unsold, the county Auditor may dispose of the same at private sale for the best price that can be had therefor, not being less than the minimum price affixed thereto.

Unsold lands may be reappraised.

SEC. 61. After the expiration of the term of four years after any appraisement and offer of sale of any lands in this State belonging to any township for school purposes, and such lands remain unsold, it shall be lawful to re-appraise, sell and dispose of said lands in the same manner that they would have been had such lands not been previously offered for sale: *Provided, however,* That such appraised value shall not be below the minimum price as now fixed by law.

Auditor to certify sale.

SEC. 62. A certified statement of such sale shall be made and signed by the Auditor, and being first recorded by such Auditor in the records of the Board of County Commissioners, shall be delivered to the purchaser when he makes his

first payment, and shall entitle him to a deed when the terms of such purchase shall have been fully complied with.

SEC. 63. Every purchaser, until forfeiture, shall be entitled to all the rights of possession before existing in such Trustee, or township, and to all rights and remedies for rents becoming due, or breaches of covenant accruing after his purchase, under any lease existing at the time of his purchase, and for all waste committed thereafter.

Rights of purchaser.

SEC. 64. A purchaser at such sale failing to make the first payment as above required, shall pay ten per centum on the sum bid, to be recovered by action before any court having jurisdiction, to be prosecuted by the County Auditor in the name of the State, for the use of the proper township, and the Auditor and Treasurer shall be competent witnesses.

Failure to make the first payment.

SEC. 65. No assignment of a certificate shall be valid unless acknowledged before some officer authorized to take acknowledgments of deeds, or before the County Auditor, who shall in all such cases record the same; assignments of certificates heretofore made before any officer authorized to take acknowledgments of deeds, when recorded, shall be as valid as if acknowledged before the County Auditor.

Assignment of certificate.

SEC. 66. When the residue of the purchase money becomes due, the purchaser may retain the same as a loan for a term not exceeding three years, on payments annually made in advance of the interest thereon, at the rate then established by law for the loans of such funds; but he shall receive no deed until full payment is made.

Purchase money may be retained as a loan.

SEC. 67. Purchasers may at any time before due, pay a part or whole of such purchase money.

SEC. 68. When any such certificate shall be lost before a deed be made, on proof thereof by affidavit of the person interested, or other competent testimony, to be filed with the County Auditor, and after three months notice of intention to apply for a new certificate given in some newspaper printed nearest to where the land lies, such Auditor may issue the same to the person entitled thereto.

Proceeding when certificate is lost.

SEC. 69. The purchase money and interest, and all costs and damages above provided for, shall be paid to the Treasurer, of the proper county, and his receipt therefor filed, by the person paying with the County Auditor, who shall issue his quietus therefor.

Purchase money to whom paid.

SEC. 70. When such payment is in completion of any contract of sale, the amount of such receipt shall be endorsed by the County Auditor on the certificate of purchase.

SEC. 71. On full payment for such land a deed shall be issued by the County Auditor and entered [on] the record book of the Board of County Commissioners.

When deed shall be issued.

SEC. 72. Such deed shall be executed and acknowledged at the cost of the grantee by the County Auditor, as in other

At whose cost deed shall be executed.

cases, and thus executed and delivered shall vest in the grantee, his heirs and assigns forever a complete title to the land.

Voters may petition for sale of land.

SEC. 73. The voters of any Congressional township may, in the absence of a vote to sell land and in lieu thereof, petition the Trustee of the township for such sale, and such petition if signed by a majority of all the voters of the township shall be filed with the County Auditor, and the same proceeding shall be had as provided in the preceeding section upon a vote of the inhabitants of the township for such sale. Such petition and certificate shall be recorded in the record book of the Trustee of the township and of the County Auditor, of the investment of funds held for the benefit of Common Schools and Congressional townships.

Rate of interest.

SEC. 74. The principal of all moneys, whether belonging to the Common School fund, or to the Congressional township school fund, received into the County Treasury, shall be loaned at seven per cent. per annum, payable annually in advance, and the interest paid out as prescribed in this act, and not otherwise; and any judgment upon any note or mortgage for any part of said fund, shall bear seven per cent. interest from the date thereof till the same is paid.

Loans, by whom made.

SEC. 75. Such loans shall be made by the County Auditor, who shall inform himself of the value of the real estate offered in [the] mortgage, and be satisfied of the validity of the title thereof; and all persons applying for a loan shall produce to said Auditor title papers, showing to his satisfaction a good and sufficient title in fee simple, without incumbrance not derived from sale for taxes.

Auditor may require lands offered as security to be appraised.

SEC. 76. The Auditor shall require three disinterested freeholders of the neighborhood to appraise any land offered in mortgage.

Appraisers must be sworn.

SEC. 77. Such Appraisers being first officially sworn, shall examine and appraise such land, and sign and give to the applicant a certificate, setting forth the fair cash value of the land at the time, without taking into consideration perishable improvements.

SEC. 78. In making such loans, preference shall be given to the inhabitants of the county, if security be adequate, and no land shall be received as security unless situated in the county where the loan is made.

SEC. 79. The amount loaned to any person or company shall not exceed one thousand dollars.

Loans to be secured by real estate clear of incumbrance.

SEC. 80. The applicant for a loan shall file with the Auditor the certificate of the Clerk and Recorder that there is no incumbrance on said land in either of said offices.

SEC. 81. Such applicant shall make oath that there is no incumbrance or better claim that he knows of, and that the

abstract of the title presented by him is, as he believes, a true one.

SEC. 82. No loan shall be made for a longer term than five years. Length of time for which loan may be made.

SEC. 83. The sum loaned shall not exceed one-half of the appraised value of the premises proposed to be mortgaged, clear of all perishable improvements. Sum loaned not to exceed half the appraised value of mortgaged premises.

SEC. 84. The Auditor shall have power to administer all oaths, and take acknowledgments required by this act.

SEC. 85. Mortgages taken for such loans shall be considered of record from the date thereof, and shall have priority of all mortgages or conveyances not previously recorded, and all other liens not previously incurred in the county where the land lies. Mortgages to be of record from date.

SEC. 86. The Auditor shall cause such mortgages to be recorded immediately, retaining the cost of recording out of the money borrowed.

SEC. 87. On failure to pay any installment of interest when the same becomes due, the principal sum shall forthwith become due and payable, and the Auditor may proceed to collect the same by suit on the note, or by sale of the mortgaged premises. He may also, by suit, recover the possession of the mortgaged premises before sale thereof; and he shall, on the fourth Monday in March, annually, offer for sale all mortgaged lands, on which payment of interest are due, on the first day of January, and unpaid on the day of sale. On failure to pay interest, principal becomes due.

SEC. 88. The mortgage may be in substance as follows, and the Auditor shall specify therein whether the same belongs to the Common School fund, or to the Congressional township fund; and if the latter, the particular township or townships whose funds are thus loaned:

FORM OF MORTGAGE.

SEC. 89. I, A. B., of the county of ———, in the State of Indiana, do mortgage to the State of Indiana, for the use of, (here describe the fund out of which the loan was made,) all, (here describe the land,) for the payment of ——— dollars, with interest at the rate of seven per cent. per annum; payable annually in advance, according to the conditions of the note hereto annexed. Form of mortgage.

SEC. 90. The note accompanying the same may be in substance as follows, to-wit: I, A. B., promise to pay to the State of Indiana, for the use of, (here recite the particular fund,) on or before ———, the sum of, ——— dollars, with interest thereon, at the rate of seven per cent. per annum in advance, commencing on the ——— day of ———, 18—, and do agree that in case of failure to pay an installment of inter- Form of note.

est when the same shall become due, the principal sum shall become due and payable, together with all arrears of interest, and on failure to pay such principal or interest when due, two per cent. damages shall be collected with costs, and the premises mortgaged may be sold by the County Auditor for the payment of such principal sum, interest, damages and costs.

Making loans.

SEC. 91. On making loan of any fund the Auditor shall draw his warrant in favor of the borrower upon the County Treasurer, who shall charge it to the proper fund.

Loans refunded.

SEC. 92. All loans refunded, and all interest, shall be paid to the County Treasurer, and his receipt shall be filed with the County Auditor, who shall give the payer a quietus therefor, and make proper entries.

SEC. 93. Whenever the amount due on any mortgage shall be paid, and the Treasurer's receipt therefor filed, the Auditor shall endorse on the note and mortgage that the same has been fully satisfied, and surrender the same to the person entitled thereto, and on the production of the same thus endorsed, the Recorder shall enter satisfaction upon the record.

Suit may be brought.

SEC. 94. In all cases when the mortgaged premises shall fail to sell for a sum sufficient to satisfy the principal and interest of the loan made, and the damages accrued by reason of such failure, and costs, the County Auditor shall bring suit on the notes executed by the mortgager, and whenever judgment shall be rendered thereon, no appraisalment of property shall be allowed on execution issued on such judgment.

Auditors to advertise sale of mortgaged premises.

SEC. 95. Before sale of mortgaged premises, the Auditor shall advertise the same in some newspaper printed in the county where the land lies, if any there be, otherwise in a paper in the State nearest thereto, for three weeks successively, and also by notice set up at the court-house door, and in three public places in the township where the land lies.

Place and manner of sale.

SEC. 96. At such sale, which shall be held at the court-house door, the Auditor shall sell so much of the mortgaged premises, to the highest bidder, for cash, as will pay the amount due for principal, interest, damages and costs. And when less than the whole tract mortgaged shall be sold, the quantity sold shall be taken in a square form, as nearly as possible, off the northwesterly corner of said tract, and when less than the whole of any inlot or outlot of any town or city shall be sold, the part sold shall be laid out and taken off, so that it shall extend from the main or principal street or alley on which the said lot fronts to the rear thereof, to divide the same by a line as nearly parallel with the boundaries of said lot as practicable; and if less than the whole is sold, the Auditor in his notice of sale, shall indicate off of which side or end of said lot the part to be sold shall be taken; and if more than one

Manner of sale.

tract of land is included in the mortgaged premises, the Auditor shall elect which tract or tracts shall be sold, saving to the mortgager, if practicable, the tract on which his house is located; and if a tract of land so mortgaged, and liable to be sold to satisfy the mortgage, cannot be divided without materially diminishing the value of, or if any inlot or outlot be indivisible, by reason of extensive buildings or other improvements thereon, the Auditor may sell the whole thereof, and after paying the amount due for principal, interest, damages and costs, out of the purchase money, shall pay the balance, if any, to the mortgager; and if the Auditor sell any part of a tract of land, outlot or inlot for more than the amount of principal, interest, damages and costs, the excess, if any, shall be paid to the mortgagor.

SEC. 97. In case of no bid for the amount due, the Auditor shall bid in the same, on account of the fund, and as soon thereafter as may be, shall sell the same, having first caused it to be appraised by three disinterested freeholders of the neighborhood, on a credit of five years with interest at seven per cent. per annum, being payable annually in advance, but no such sale shall be for a less sum than the appraised value thereof.

When auditor may bid in mortgaged premises.

SEC. 98. Lands heretofore bought in on account of the fund, which have been appraised, shall be sold in like manner, and if upon sale of any such land, a sum is realized which is more than sufficient to pay the principal, interest, damages and costs, the overplus shall be paid to the original mortgager, his heirs or assigns, when collected.

Lands heretofore bought in.

SEC. 99. Upon full payment being made for such lands, the deeds thereof shall be executed by the County Auditor, and shall be entered in the record of the Board of County Commissioners before delivery.

Auditor to execute deeds on full payment.

SEC. 100. At the public sale at the court-house door, provided for in this act, the County Treasurer shall also attend and make a statement of such sales, which shall be signed by the Auditor and Treasurer, and after being recorded in the Auditor's office, shall be filed in the Treasurer's office, and such record, or a copy thereof, authenticated by the Auditor or Treasurer's certificate, shall be received as evidence of the matters contained therein.

Statement of sale to be signed by auditor and treasurer.

SEC. 101. When any land is laid [bid] off by the Auditor at such sale, no deed need be made therefor to the State, but the statement of such sale, and the record thereof, shall vest the title in the State, for the use of the proper fund.

SEC. 102. Form and modes of book-keeping shall, from time to time, be prescribed for County Auditors and County Treasurers by the State Superintendent of Public Instruction.

Auditors and
treasurers to
report to county
commissioners.

SEC. 103. The County Auditors and County Treasurers shall annually report in writing to the Board of County Commissioners of the respective counties, at the June session of said Board, relative to the school fund held in trust by said counties, distinguishing in said reports between the Congressional Township and Common School funds, indicating the amount thereof, the additions to them within the current year then ending, the sources from whence such additions are derived, the condition of them as to their safety, giving the amount thereof safely invested, unsafely invested, and uninvested, and lost, at the date of said report, giving also the amount of interest collected upon said funds within the year then ending, and the amount then due and unpaid.

County commis-
sioners to secure
school funds.

SEC. 104. The Board of County Commissioners shall annually, at their June session, in [the] presence of the Auditor and Treasurer, examine said reports, the accounts, and proceedings of said officers, in relation to said funds, and the revenue derived from them. They shall compare with said reports, the cash, the notes, mortgages, records and books of said offices, with a view to ascertain the amount of said funds and their safety, and do whatever may be necessary to secure their preservation and the prompt payment of the annual interest thereon as the same becomes due, and make up to said funds losses which have accrued or may accrue.

Commissioners
report.

SEC. 105. The County Commissioners at said session shall make out for their respective counties, a report in writing of the result of such examination, showing:

1st. The amounts of said funds at the close of the last year.

2d. Amount added from sale of land within the year.

3d. The number of acres of unsold Congressional Township School lands, and the approximate value thereof.

4th. The amount added from fines and forfeitures.

5th. The amount added by the Commissioners of the Sinking Fund.

6th. The amount added from all other sources.

7th. The total amount of the funds.

8th. The amount refunded within the year.

9th. The amount re-loaned within the year.

10th. The amount safely invested.

11th. The amount unsafely invested.

12th. The amount uninvested at date of report.

13th. Amount of fund lost since 1842.

14th. Amount of interest collected within the year.

15th. Amount of interest delinquent.

And in said report the Commissioners shall distinguish between the Congressional Township Fund and the Common School Fund, and in their account of the interest or revenues derived from said fund they shall observe the same distinction.

SEC. 106. Such report shall be entered on the records of said Board, and copies thereof, signed by the members of the Board, the Auditor, and Treasurer, shall be transmitted to the Auditor of State, and the Superintendent of Public Instruction.

To be transmitted to auditor of state and superintendent of public instruction.

SEC. 107. County Auditors shall receive for their services in managing the School Funds the two per cent. damages accruing on all sales for non-payments of loans, two per cent. on all loans on which the mortgaged premises are advertised for sale and not sold, and four per cent. on all disbursements of interest: and the County Treasurer shall receive one per cent. on all disbursements of interest, and one per cent. on the amount of school tax disbursed: and the sum of said per cent. on disbursements, thus ascertained, shall be paid in the same manner, and out of the same revenue, as other services of said officers are paid.

Fees of county auditors and treasurers.

SEC. 108. The following fees only, shall be charged in cases of mortgage for loans;

To each appraiser.....	50 cents.
For recording mortgage.....	\$1
For drawing mortgage.....	\$1
For making borrower's affidavit.....	10 cents.
For Clerk's certificate.....	Fifty cents.
And Recorder's certificate and examining title, each.	\$1

Which shall be paid by the borrower.

Fees in case of mortgage.

OF THE DISTRIBUTION OF THE SCHOOL REVENUE.

SEC. 109. There shall be two apportionments of the school revenue for tuition, made in each year by the State Superintendent of Public Instruction, one on the fourth Monday in April, and the other on the fifteenth day of October, unless the said day of the month should be Sunday, and if so, on the day following.

Distribution of school revenue.

SEC. 110. To enable the Superintendent to make said apportionments, and ascertain the amount of said revenue collected and ready for that purpose, the Auditors of the several counties of the State shall promptly, after making the settlements with the County Treasurer of their respective counties, in March, for the amount collected on tax list; and in October, for the amount of delinquent tax collected, make report to said Superintendent, of the precise amount of school revenue for tuition collected in their respective counties, and ready for apportionment and distribution, which report shall be verified by the oath or affirmation of the Auditor endorsed thereon.

Auditors to report to state superintendent.

SEC. 111. The first of said reports in each year shall not be delayed later than the 3d Monday in April, and the second not later than the tenth day of October; said reports

Time of report.

Items reported. shall show—1st, The amount of school tax collected since the last report, whether upon the current year's tax list, or delinquent tax. 2nd, The amount of interest collected since the last semi-annual report and the amount, of any, not previously reported upon loans of Common School Funds, or on any indebtedness which is due, or payable to said funds arising from the sale of seminary property or otherwise. 3rd, the amount derived from liquor licenses and unclaimed fees not previously reported. 4th, The total amount of school revenue thus collected and ready for apportionment. 5th, The income derived from the Congressional township school fund, including the interest on loans of said fund, and on deferred payments for school lands which have been sold, and the rents and profits derived from the leasing or renting of any such lands or otherwise. 6th, The amount of said income from the Congressional township fund on hand for distribution in parts of the townships in the adjacent counties, specifying the amount on hand for each of the several counties.

Duty of auditor when congressional township lies partly in one county and partly in another.

SEC. 112. When the Congressional township lies partly in one county and partly in another, the Auditor of the county in which the fund of such township is managed shall notify the Auditor of the county in which any portion is situated of the amount due to such portion.

Forfeiture for failure of auditor to make report.

SEC. 113. On failure of any County Auditor to make his said semi-annual report in time for said apportionments his county shall be subject to a diminution of \$100 in the next apportionment of said revenue by the Superintendent. The sum thus withheld may be collected from said Auditor, in a suit before a justice of the peace, prosecuted in the name of the State, by any person living in said county who has children enumerated for school purposes for the current year, who is aggrieved by said diminution; said suit shall be commenced within two years from the time when said report was due, and not afterwards: *Provided*, That said Auditor may discharge himself from liability to such suit by a certificate of the Postmaster that said report was mailed in due time, together with his own affidavit of that fact.

Apportionment by state superintendent.

SEC. 114. The State Superintendent of Public Instruction shall, on the days fixed by section 109 of this act for his apportionment of said revenue in each year, add to the sum total of said revenue in readiness in each county for apportionment, the sum of twenty-five thousand dollars of the State's indebtedness to the schools, which additions shall continue to be made at each apportionment until the whole of said indebtedness, together with six per cent. interest thereon from the time said indebtedness accrued is paid. The amount of which debt and interest shall be settled and adjusted by and between the Superintendent of Public Instruction and the Auditor of

State; and after said addition, the Superintendent shall apportion the whole of said sum to the several counties of the State, according to the last enumeration of children therein, with due reference to the diminutions provided for by sections 41 and 113 of this act, and without taking into consideration the revenue derived from the Congressional township school fund in such apportionment.

SEC. 115. Said Superintendent shall make out and have printed a statement showing,

Statement to be published by state superintendent.

First, The enumeration of children in each county.

Second, The amount of school revenue ready for apportionment in each county, and the source from which the same is derived, including said addition from the State indebtedness.

Third, The distributive share thereof apportioned to each county, a copy of said statement he shall file with the Auditor of State and Treasurer of State, and he shall forward a copy thereof by mail to each of the County Auditors, School Examiners and County Treasurers of the State.

SEC. 116. The Auditor of State shall, at the time of making the semi-annual settlements with the several County Treasurers, give them each a warrant on the State Treasury for the distributive share of said revenue apportioned to their respective counties, the amount of which shall be retained by said Treasurers out of the money or revenue in their hands, and the balance ascertained to be due to the State, of ordinary State revenue, or other revenue, together with said warrant, shall be paid into the State Treasury, and the settlement between the respective County Treasurers and the Auditor of State, and the drawing of the warrant for the amount apportioned to their respective counties, the ascertainment of the balance payable into the State Treasury, and the payment of said balance, and retention by County Treasurer of his distributive share of school revenue, according to said apportionment, shall be concurrent acts, and shall be done and performed in such a manner as to effect a complete semi-annual disbursement from the State Treasury to the several counties of the State, of all the school revenues then apportioned to them, and as soon as practicable after the apportionment is made.

Settlement of county treasurer with auditor of state.

SEC. 117. If at any time, from any cause whatever, an unapportioned balance of school revenue shall appear in the State Treasury, other than that which is nominally therein at [the] passage of this act, the Superintendent of Public Instruction shall add said balance to the sum to be apportioned, and apportion it at the next succeeding apportionment, after such balance so appears.

Unapportioned balances.

SEC. 118. The Auditor of each county shall, semi-annually, on the second Mondays of May and November, make apportionment of the school revenue, to which his county is

Auditors to apportion the revenue belonging to their counties.

entitled, to the several townships and incorporated towns and cities of the county, which apportionment shall be paid to the School Treasurer of each township and incorporated town and city, by the County Treasurer, and, in making the said apportionment and distribution thereof, the Auditor shall ascertain the amount of the Congressional township school revenue belonging to each city, town and township, and shall so apportion the other school revenue as to equalise the amount of available school revenue for tuition to each city, town and township, as near as may be, according to the enumeration of children therein: *Provided, however,* That in no case shall the income of the Congressional township fund belonging to any Congressional township, or part of such township, be diminished by such apportionment, or diverted or distributed to any other township, and report the amount apportioned to the Superintendent of Public Instruction, verified by affidavit of the State Superintendent.

Provide.
Election of state superintendent.

SEC. 119. There shall be elected, by the qualified voters of the State, at a general election, a State Superintendent of Public Instruction, who shall hold his office for two years.

His official term.

SEC. 120. His official term shall commence on the fifteenth day of March, succeeding his election. He shall take and subscribe the oath prescribed by law, which proceeding shall in all things conform to the law relative to the oaths of public officers.

His office and duties.

SEC. 121. The Superintendent shall be charged with the administration of the system of public instruction, and a general superintendence of the business relating to the Common Schools, of the State, and of the school funds and school revenues set apart and appropriated for their support. A suitable office shall be furnished for him, at the seat of government, at which the books, papers and effects relating to the business of said office, shall be kept, and there he shall give reasonable attendance to the business and duties of the office. He shall render an opinion in writing, to any school officer asking the same, touching the administration or construction of the School Law. He is hereby authorized to employ two clerks, for said office, at a rate of compensation not exceeding one thousand dollars, for the first, and eight hundred dollars for the second, to be paid as the clerks of the office of the Auditor of State are paid, and the said sums are hereby annually appropriated for that purpose.

Entitled to deputy and pay.

Shall report to the governor.

SEC. 122. In the month of January, in each year, in which there is no regular session of the General Assembly, he shall make a brief report, in writing, to the Governor, indicating in general terms the enumeration of the children of the State, for Common School purposes, the additions to the permanent school fund within the year, the amount of school revenue collected within the year, and the amounts apportioned and distributed to the schools.

SEC. 123. At each regular session of the General Assembly, on or before the fifteenth day of January, said Superintendent shall present a biennial report of his administration of the system of public instruction, in which he shall furnish a brief exhibit.

Superintendent
to report to
General Assembly.

1st. Of his labors, the results of his experience and observation as to the operation of said system, and suggest the remedy for observed imperfections.

Items to be reported.

2d. Of the amount of the permanent school funds, and their general condition as to safety of manner of investment; the amount of revenue annually derived therefrom, and from other sources; estimates for the following two years, and the estimated value of all other property set apart or appropriated for school purposes.

3d. Of such plans as he may have matured for the better organization of the schools, and for the increase, safe investment and better preservation and management of the permanent school funds, and for the increase and more economical expenditure of the revenue for tuition.

4th. He shall present a comparison of the results of the year then closing, with those of the year next preceding, and, if deemed expedient, of years preceding that, so as to indicate the progress made in the business of public instruction.

5th. He shall furnish such other information relative to the system of public instruction; the schools, their permanent funds, annual revenues, &c., as he may think to be of interest to the General Assembly.

He shall append to said report statistical tables compiled from the materials transmitted to his office by the proper officers, with proper summaries, averages and totals appended thereto. He shall append a statement of the semi-annual collections of school revenue, and his apportionment thereof, and, when he deems it of sufficient interest so to do, he shall append extracts from the correspondence of school officers, tending to show either the salutary or defective operation of the system, or of any of its parts, and shall cause ten thousand copies to be printed and distributed to the several counties of the State.

SEC. 124. He shall visit each county in the State at least once during his term of office, and examine the Auditor's books and records relative to the school funds and revenues, with a view to ascertain the amount and the safety and preservation of said funds and revenues, and for that purpose he shall have access to, and full power to require for inspection, the use of the books and papers of the Auditor's offices; and whenever he may discover that any of the school funds are unsafely invested, and unproductive of school revenue, or that any of the school revenues have been diverted

To visit each
county in the
state once dur-
ing term of of-
fice.

from their proper objects, he shall report the same to the General Assembly; meeting with such of the school officers as may attend his appointment; counseling with the teachers, and lecturing upon topics calculated to subserve the interests of popular education.

Allowances for traveling expenses.

SEC. 125. He shall receive, for traveling and other expenses, while traveling on the business of the Department, a sum not exceeding six hundred dollars per annum; and an appropriation of that amount is hereby made for that purpose, annually.

Appeals to state superintendent.

SEC. 126. He shall exercise such supervision over the school funds and revenues as may be necessary to ascertain their safety, and secure the preservation and application to their proper object, and cause to be instituted, in the name of the State of Indiana, for the use of the proper fund or revenue, all suits necessary for the recovery of any portion of said funds or revenues; and it is hereby made the duty of the proper Circuit Prosecuting Attorney to prosecute all such suits at the instance of the Superintendent, and without charge against said funds or revenue.

Superintendent may require copies of reports of trustees, clerks, teachers and examiners.

SEC. 127. He may require of the County Auditors, School Examiners, County Treasurers, Trustees, Clerks and Treasurers, copies of all reports required to be made by them, and all such other information in relation to the duties of their respective offices, so far as they relate to the condition of the school funds, revenues and property of the Common School, and the condition and management of such schools, as he may deem important.

To furnish blanks for reports.

SEC. 128. He may prepare and transmit to the proper officers suitable forms and regulations for making all reports and the necessary blanks therefor, and all necessary instructions for the better organization and government of Common Schools, and conducting all necessary proceedings under this act.

To publish laws on subject of common schools

SEC. 129. He shall cause as many copies of the acts of the General Assembly, in relation to the Common Schools, or the school funds, with necessary forms, instructions and regulations, to be from time to time printed and distributed among the school townships, as he shall deem the public good requires.

Shall supply township library with legislative and documentary journals, and deliver records, &c., to successor.

SEC. 130. He shall supply each Common School Library with the legislative and documentary journals, and the acts of each session of the General Assembly, and his own annual reports, and at the expiration of his term of office shall deliver to his successor possession of the office, and all books, records, documents, papers and other articles pertaining or belonging to his office.

OF TOWNSHIP LIBRARIES.

SEC. 131. There shall be assessed and collected, as the State and county revenues are assessed and collected, on the list of property taxable for State purposes, one tenth of a mill on each one dollar.

Tax.

SEC. 132. The said taxes are hereby appropriated, and shall be applied exclusively to the purchase of books for the township school libraries, under the direction of the State Board of Education, but no sectarian or strictly party work shall be admitted into said libraries.

How appropri-
ated.

SEC. 133. The amount of said taxes, when collected, shall be paid by the County Treasurers to the Treasurer of State at the time of making their annual settlement, and shall be paid out by that officer upon the warrant of the Auditor of State.

To be paid to
the state trea-
surers.

SEC. 134. The Superintendent of Public Instruction shall superintend the purchase of books for township libraries, under such regulations as the State Board of Education may adopt, and report to said Board his proceedings in relation thereto; and said Board shall order the issuing of the warrants by the Auditor of State for the payment of said purchase from said library revenue.

Purchase of
township libra-
ries.

SEC. 135. The State Board of Education shall, when such libraries have been received, cause the same to be distributed to the several townships in the State, under the direction of the State Superintendent, who shall apportion the same according to the school population of the townships: *Provided, however,* that existing inequalities in township libraries shall first be corrected, and that an equal allotment be made to each of the State Prisons as is distributed to townships.

Distribution of
township libra-
ries.

SEC. 136. Such libraries shall be in charge of the Township Trustees, shall be deemed the property of the township, and shall not be subject to sale or alienation from any cause whatever.

Libraries to be
in charge of
township trust-
tees.

SEC. 137. Such trustee shall be accountable for the preservation of said libraries, may prescribe the time of taking and the period of retaining books, assess and recover damages done to them by any persons, and adopt regulations necessary for their preservation and usefulness: he shall provide book cases and blank books ruled, in which to keep an account of books taken out and returned, and report the number each year to the Examiner, and at the commencement of each school term, at each school house in their respective townships, shall cause a notice to be posted up, stating where the library is kept, and inviting the free use of the books thereof by the persons of their respective townships.

Trustees ac-
countable for
preservation of
libraries.

SEC. 138. Every family in the township shall be entitled

to the use of two volumes at a time from said library, whether any member of such family shall attend school or not.

Trustee may deposit library at some central point.

SEC. 139. The Trustees may deposit the library at some central or eligible place in the township, for the convenience of scholars and families, and they may appoint for that purpose a librarian to have the care and superintendence thereof.

SEC. 140. The library shall be open to all persons entitled to its privileges throughout the year, without regard to school sessions; Sundays and holidays excepted.

MISCELLANEOUS PROVISIONS.

Accounts of trustees open to inspection.

SEC. 141. The books, papers and accounts of any Trustee, relative to schools, shall at all times be subject to the inspection of the School Examiner, the County Auditor, and of the Board of County Commissioners of the proper county.

Commissioners may require production of trustees' books

SEC. 142. For the purpose of such inspection, said Examiner, Auditor, and Board of County Commissioners, may, by subpoena, summon before them any Trustee, and require the production of such books, papers and accounts; three days' notice of the time to appear, and produce them, being given.

Books and acts imperfectly kept may be corrected.

SEC. 143. If any such books and accounts have been imperfectly kept, said Board or Commissioners may correct them, and if fraud appear, shall remove the person guilty thereof.

Suit against township, town or city.

SEC. 144. Process in such suits against a school township, town or city, shall be by summons executed by leaving a copy thereof with the Trustee of such township, town or city, ten days before the return day thereof; and in case of an appeal, similar notice of the time of hearing thereof shall be given.

Suits in behalf of school township.

SEC. 145. Suits brought on behalf of the school of any township, town or city, shall be brought in the name of the State of Indiana, for the use of such township, town or city.

SEC. 146. Any person who shall sue for or on account of any decision, act, refusal, or neglect of duty, of the Township Trustee, for which he might have had an appeal, according to the provisions of the preceding section, shall not recover costs.

Schools to be taught in the English language.

SEC. 147. The Common Schools of the State shall be taught in the English language, and the Trustee shall provide to have taught in them Orthography, Reading, Writing, Geography, Arithmetic, English Grammar and good behavior, and such other branches of learning, and other languages, as the advancement of pupils may require, and the Trustee from time to time direct; and the tuition in said school shall be without charge.

Boundaries of civil townships to conform to those of congressional townships.

SEC. 148. The County Commissioners of each county are required to conform the boundary of their civil townships to those of Congressional townships, so far as it is practicable to do so.

SEC. 149. The proper Trustee may, whenever a school-house shall have been removed to a different location, or a new one erected for the school in a different place, if the land whereon the same is situated belongs unconditionally to the township, town or city, sell the same when, in his opinion, it is advantageous to the township, town or city, so to do, for the highest price that can be obtained therefor; and upon the payment of the purchase money (to the township, town or city Treasurer, he shall execute to the purchaser) a deed of conveyance, which shall be sufficient to vest in such purchaser all the title of such township, town or city thereto. The money derived from such sales shall be a part of the special school revenue.

Trustee may sell lands belonging to his township.

SEC. 150. When any officer authorized to sell school lands shall have sold any lands without a title thereto, such officer, or his successor in office, may convey such other lands of equal value as may be agreed upon by such officer and the purchaser, his heirs, or assigns; or failing to make such agreement, [the purchase money, with interest, shall be repaid to] the purchaser, his heirs, executors, administrators or assigns; but no such purchase money shall be thus repaid until the proper Prosecuting or District Attorney shall have investigated the fact of the case, and certified to the correctness of the claim.

When trustees sell land without title thereto, the purchase money, with interest, must be refunded to the purchasers, heirs, administrators or assigns.

SEC. 151. The County Auditors of the several counties of this State shall, immediately upon the taking effect of this act, open an account upon their books, with each of the Congressional townships of their respective counties, whose funds are managed by them, and transfer to such account, from the Common School fund account, the principal of the Congressional township fund, as it existed before its consolidation with the Common School fund, and shall thereafter keep a separate account of the principal and interest of the Congressional township fund of each township.

County auditors to keep account with congressional townships.

SEC. 152. Where the whole of the school funds of a county have been loaned, the Auditor will apportion to each Congressional township a sufficient number of mortgages to cover the principal of its Congressional township fund: and where a part of the school funds only are loaned, the Auditor will so apply a proportional amount; and the cash on hand, when loaned, shall be for the benefit of the Congressional townships respectively, to the amount of the entire principal of their Congressional fund; and in all loans made after the taking effect of this act, the note and mortgage shall specify the particular fund borrowed.

To apportion to each congressional township sufficient mortgages to secure the principal of its fund.

STATE BOARD OF EDUCATION.

SEC. 153. The Governor of the State, the State Superintendent of Education,
G. L.—3

State board of education.

tendent of Public Instruction, the President of the State University, the President of the State Normal School, when the same shall be established, the Superintendents of Common Schools of the three largest cities in the State, shall constitute a Board, to be denominated the Indiana State Board of Education. The size of the cities shall, for this purpose, be determined by the enumeration of children, for school purposes, annually reported by School Examiners to the Superintendent of Public Instruction. The Superintendent of Public Instruction shall, *ex-officio*, be President of the Board, and, in his absence, the members present shall elect a President *pro tempore*. The Board shall elect one of its members Secretary and Treasurer, who shall have the custody of its records, papers and effects, and shall keep minutes of its proceedings; *Provided*, That such records, papers, effects, and minutes, shall be kept at the office of the Superintendent, and shall be open for his inspection. The said Board shall meet, upon the call of the President or a majority of its members, at such place, in the State, as may be designated in the call, and shall devise, adopt and procure a seal, on the face of which shall be the words, "Indiana State Board of Education," and such other device or motto as the Board may direct, an impression and written description of which shall be recorded on the minutes of the Board and filed in the office of [the] Secretary of State; which seal be shall used for the authentication of the acts of the Board, and the important acts of the Superintendent of Public Instruction.

Shall procure
seal.

Duties and pow-
ers of said
board.

SEC. 154. Said Board at its meetings shall perform such duties as are prescribed by law, and may make and adopt such rules, by-laws and regulations as may be necessary for its own government, and for the complete carrying into effect the provisions of the next section of this act, and not in conflict with the laws of the State; and shall take cognizance of such questions as may arise in the practical administration of the school system as are not otherwise provided for, and duly consider, discuss and determine the same.

May grant state
certificates.

SEC. 155. Said Board may grant State Certificates of Qualification to such teachers as may, upon a thorough and critical examination, be found to possess eminent scholarship and professional ability, and shall furnish satisfactory evidence of good moral character. They shall hold stated meetings, at which they shall examine all applicants, and those found to possess the qualifications herein above named shall receive such certificate, signed by the President of the of the Board, and impressed with the seal thereof; and the said certificate shall entitle the holder to teach in any of the schools of the State without further examination, and shall also be valid during the lifetime of said holder, unless revoked by said Board. Each applicant for examination shall,

Shall hold stated
meetings.

Applicant for

on making application, pay to the Treasurer of the Board five dollars as a fee.

SEC. 156. The members of said Board, other than the Governor and Superintendent of Public Instruction, shall be entitled to receive the same amount of compensation, per day, while in session, and mileage as members of the General Assembly, which amount shall be certified by the Board to the Auditor of State, who shall draw his warrant therefor, payable out of the general fund, which sum shall be re-imbursed to the general fund by the Treasurer of the Board paying into it that amount out of the money received by him as fees for certificates, and if there is any residue of money received as such fees, it shall be expended by the Superintendent of Public Instruction, in the purchase of suitable books for an office library.

SEC. 157. The title to all lands acquired for school purposes shall be conveyed to the township, incorporated town or city, for which it is acquired, in the corporate name of such township, town or city, which is used for school purposes, for the use of Common Schools therein. In all cases in which the title to any such land is vested in any other person or corporation, than as above provided, it shall be the duty of [the] Trustee, for school purposes of the township, town or city, to procure the title to be vested as above, in this section provided.

SEC. 158. When a school house is unoccupied by a Common School of the State, and the people who form the school at such house, desire that a private school be taught therein, and a majority of them make application to the Trustee having charge of such house, for the use of it for such private school, it shall be the duty of the Trustee to permit said school house to be used for such private school, by such teacher as may be mentioned in the application, and not for a longer time than until said house may be wanted for a public school; and such permission and use shall be upon the condition that the teacher employed in said school shall report, in writing, to the Trustee: *First*, The number of teachers employed, distinguishing between male and female. *Second*, The number of pupils admitted into the school within the term, and the average daily attendance. *Third*, The cost of tuition, per pupil, per month, in said school.

TEACHERS' INSTITUTES.

SEC. 159. In order to the encouragement of "Teachers' Institutes," the several County Auditors of the several counties of this State shall, whenever the County School Examiner of their county shall file, with said Auditor, his official statement, showing that there has been held, for five days, a Teachers' Institute, in said county, with an average attend-

examination shall pay fee of five dollars.

Per diem of members of said board.

Title to lands, how conveyed.

Private schools may be taught.

Items to be reported by teacher.

Teachers' institute.

ance of twenty-five teachers, or of persons preparing to become such, draw his warrant in favor of said School Examiner, on the County Treasurer, for thirty-five dollars, and in case there should be an average attendance of forty teachers, or persons preparing to become such, then the said County Auditor shall draw his warrant on the Treasurer for fifty dollars, for the purpose of defraying the expenses of said Institute: *Provided, however,* That but one of said payments be made in the same year.

reviso.

Common schools of the county to be closed during session of institute.

Examiners to hold teachers' institute.

Penalty for upbraiding or insulting teacher.

Length of school terms.

Appeals from decision of trustee.

Appeal from decision of examiner.

School officers empowered to administer oaths.

The Bible not to be excluded from the public schools.

SEC. 160. When any such Institute is in session, the Common Schools of the county in which said Institute shall be held shall be closed during the session of said Institute.

SEC. 161. The several County School [Examiners] are hereby required as a part of their duty to hold, or cause to be held, such Teachers' Institutes at least once in each year in their respective counties.

SEC. 162. If any parent, guardian or other person, from any cause, fancied or real, visit a school with the avowed intention of upbraiding or insulting the teacher in the presence of the school, and shall so upbraid or insult a teacher, such person, for such conduct, shall be liable to a fine of not more than twenty-five dollars, which when collected, shall go into the general tuition revenue.

SEC. 163. A school term of three months shall be sixty days, a school month twenty days, and a school week five days.

SEC. 164. Appeals shall be allowed from decisions of the Trustees relative to school matters, to the School Examiners, who shall receive and promptly determine the same according to the rules which govern appeals from justices of the peace to Common Pleas or Circuit Courts, so far as such rules are applicable, and their decisions of all local questions relating to the legality of school meetings, establishment of schools, and the location, building, repair or removal of school houses, or transfers of persons for school purposes, and designation and dismissal of teachers shall be final.

SEC. 165. Appeals shall be allowed from the decisions of the School Examiner to the Superintendent of Public Instruction, on all matters not otherwise provided for in the next preceding section, and the rules that govern appeals from justices of the peace to the Common Pleas or Circuit Courts as to the time of taking an appeal, giving bond, &c., shall be applicable in appeals from the School Examiner to the Superintendent of Public Instruction.

SEC. 166. School officers are hereby authorized and empowered, to administer all oaths relative to school business appertaining to their respective offices.

SEC. 167. The Bible shall not be excluded from the public schools of the State.

SEC. 168. All laws heretofore enacted on the subject of Common Schools, and all other laws and parts of laws in conflict with this act, are hereby repealed.

All laws heretofore enacted on the subject of common schools repealed.

SEC. 169. It is hereby declared, that an emergency exists for the immediate taking effect of this act: Therefore it shall take effect from and after its passage; and it shall be the duty of the Secretary of State, to cause a sufficient number of copies of this act to be printed and circulated in the different counties of the State.

Emergency.

Copies of act to be printed.

CHAPTER II.

AN ACT making general appropriations for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it Enacted by the General Assembly of the State of Indiana*, That, for the purpose of meeting the expenses of the State Government, for the year one thousand, eight hundred and sixty-five, the following sums are hereby appropriated:

SEC. 2. For the payment of the salary of the Agent of State, and incidental expenses, the sum of five thousand dollars.

Salary of Agent of State, expenses.

SEC. 3. For the payment of interest on Sinking Fund Bonds the sum of seventy-one thousand, two hundred and ninety-three dollars and eighteen cents.

Int'n on Sinking Fund bonds.

SEC. 4. For the payment of interest on the University Bonds, for the years 1863 and 1864, the sum of seven thousand, nine hundred and eighty-eight dollars and twenty cents.

Interest on University bonds.

SEC. 5. For the Executive officers and their clerks the following sums:

Salary of the Governor, three thousand dollars.

Salary of Gov'r.

Salary of the Treasurer of State, three thousand dollars.

Tr. of State, sal.

Salary of the Auditor of State, two thousand, five hundred dollars.

Aud. State's sal.

Salary of the Secretary of State, two thousand dollars.

Sec. State's sal.

Salary of the Governor's Private Secretary, five hundred dollars.

Gov. Pr. Sec. sal.

Salary of the Superintendent of Public Instruction, one thousand, three hundred dollars.

Supt. Pub. Inst. salary.

Salary of the State Librarian, eight hundred dollars.

State Lib'n. sal.

Salary of the Auditor's Clerks, three thousand dollars.

Aud. Clerks sal.

Tr. and Sec'y's clerks salary.	Salary of the Treasurer's Clerk, and the Secretary of State's Clerk, eight hundred dollars each.
Supt. Pub. Inst. clerk salary.	Salary of the Clerk of the Superintendent of Public Instruction, eight hundred dollars.
Att'y Gen'l. sal.	Salary of the Attorney General, one thousand dollars.
S. P. C. Judges salary.	Salary of the four Judges of the Supreme Court, at two thousand dollars each, eight thousand dollars.
Cir. Judges sal.	Salary of fourteen Circuit Judges, at fifteen hundred dollars each, twenty-one thousand dollars.
Printing paper and binding.	For public printing, paper and binding, forty thousand dollars. For State House attendance and repairs, eighteen hundred dollars.
Incidental, &c., for State Lib'ry.	For incidentals for the State Library, including binding and the purchase of new books, express charges, etc., thirteen hundred dollars.
Incidentals for Sec'y of State, Auditor and Tr. of State.	For the Secretary of State's office, for incidentals and postage, one thousand dollars. For the Auditor of State's office, fifteen hundred dollars. For the Treasurer of State's office, to include the cost of exchange on transmission of funds to New York, one thousand dollars.
Incidentals for Supt. Pub. Inst.	For the office of the Superintendent of Public instruction, for necessary incidentals, seven hundred and fifty dollars.
Rent of State offices.	For incidental expenses for the rent of the State offices, payable on the first day of November, eighteen hundred and sixty-five, three thousand dollars.
Curr't expenses State Prison, South.	For the current expenses and officers' salaries of the State Prison South, twelve thousand dollars.
Curr't expenses of State Prison North.	For the current expenses and officers' salaries of the State Prison North, the sum of twelve thousand dollars.
Distribution of the laws.	For the distribution of the Laws, fifteen hundred dollars.
Sher. mileage.	For Sheriff's mileage, six thousand dollars.
Pay of Legislators of 1863 and 1865.	SEC. 6. That the sum of twenty-five thousand dollars be, and the same is hereby appropriated so pay the balances due, and unpaid, of the session of eighteen hundred and sixty-three, or so much thereof as may be necessary, and twenty-five thousand dollars for balance on session of eighteen hundred and sixty-five.
Governor's civil contingent fund for 1865.	SEC. 7. That, for the Governor's civil contingent fund for the year eighteen hundred and sixty-five, the sum of seven thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated.
Common School fund.	SEC. 8. That, to pay the amount due on the Common School Fund, the sum of fifty thousand dollars be, and the same is hereby appropriated.
Executive Department, clerk hire, &c.	SEC. 9. That the sum of twelve thousand dollars for the Executive Department, for Clerk hire and necessary incidentals

tals of the Governor's office, be, and the same is hereby appropriated, or so much thereof as may be necessary.

SEC. 10. That the sum of nine thousand two hundred dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, for the Adjutant General's office, to pay the expenses of clerk hire, books, stationery, blanks, furniture, &c., necessary to complete the unfinished and deferred work of said office.

For furnishing stationery, books, blanks, &c., for Adj. General's office.

SEC. 11. That the sum of twelve thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to pay the expenses of clerk hire, books, stationery, blanks, furniture and incidental expenses, for the current business of the office of the Adjutant General.

To furnish stationery, books, blanks, &c., for current business of Adj. General's office.

SEC. 12. That the sum of five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to defray the expenses of telegraphing for the Executive Department.

For telegraphing for Executive Department.

SEC. 13. That the Adjutant General of the State shall have the rank, pay and allowances of a Brigadier General in the army of the United States on post duty, to be paid out of any funds in the treasury, not otherwise appropriated, upon proper and duly certified vouchers.

Adjutant General pay and rank of a Brig. Gen. on post duty.

SEC. 14. That for repairing and painting wood work at the Insane Asylum, the sum of four thousand dollars; for removing the engine house at Insane Asylum and building new one, the sum of twenty thousand dollars; for relaying floors, plastering ceiling, and purchase of bedsteads for Insane Asylum, the sum of twenty-five hundred dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated.

Repairing, removing engine, &c., Insane Asylum.

SEC. 15. That for repainting Blind Asylum and for the purchase of bedding for the same, the sum of twenty-five hundred dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated.

Repairs, &c., Blind Asylum.

SEC. 16. That the sum of four thousand dollars, for the purpose of building a shop at the Deaf and Dumb Asylum, be, and the same is hereby, appropriated.

Building shop, &c., at Deaf and Dumb Asylum.

SEC. 17. That for the miscellaneous expenses of the year eighteen hundred and sixty-five, the sum of ten thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated.

Miscellaneous' expenses of 1865.

SEC. 18. For incidentals, including fuel, stationery, and so forth, for the State officers and State House, the sum of three thousand dollars be, and the same is hereby appropriated, or so much thereof as may be necessary.

Incidentals for State House and State officers.

SEC. 19. That for the traveling expenses of the Superintendent of Public Instruction the sum of six hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated.

Traveling expenses State Superintendent of Public Instruction.

Office rent, &c.,
for Attorney
General.

SEC. 20. That for office rent, fuel, lights, and stationery, for the Attorney General the sum of five hundred dollars be and the same is hereby appropriated.

Debt due State
Prison North.

SEC. 21. That for the purpose of paying the indebtedness of the State Prison North, due on or before the eleventh day of March, eighteen hundred and sixty-three, the sum of sixty-four thousand one hundred and five dollars and ninety-one cents, for which certificates were given, is hereby appropriated to pay said indebtedness, together with interest at the rate of six per cent. per annum, and it is hereby made the duty of the Auditor of State, upon the presentation and surrender of the certificates of said indebtedness, to draw his warrant on the Treasurer of State for the amount of such certificates.

\$2,091 to Samuel
H. Patterson,
lessee of State
Prison South,
for money ex-
pended on acc't.
of work and la-
bor of convicts
during said lease
who were illegal-
ly imprisoned.

SEC. 22. That the sum of two thousand and ninety-one dollars and thirty-four cents be and the same is hereby appropriated to Samuel H. Patterson, late lessee of the State Prison South, for money expended by him on account of work and labor rendered by sundry convicts during said Patterson's lease of said Prison, which convicts were illegally imprisoned.

Merrill & Co. for
612 copies of
14th Ind. Re-
ports.

SEC. 23. That the sum of seven hundred dollars be and the same is hereby appropriated to pay the balance due Merrill & Co., for six hundred and twelve copies of the 14th volume of Indiana Reports now in the possession of said Merrill & Co.

For volumes 23
and 24 of Ind.
Reports.

SEC. 24. That the sum of five thousand five hundred and eight dollars be and the same is hereby appropriated for volumes twenty-three and twenty-four of the Indiana Reports, to be divided equally between the years 1865 and 1866.

Matt. L. Brett,
for extra ser-
vices as Treas. of
State.

SEC. 25. That the sum of eight hundred dollars be and the same is hereby appropriated to Matthew L. Brett for extra services during his term of office as Treasurer of State, in purchasing bonds and stocks of the State.

Matt. L. Brett,
Treasurer, for
expenses, &c., to
New York, to
make settlement
with Winslow,
Lanier & Co.

SEC. 26. That to pay Matthew L. Brett his expenses of trip to New York, and his services after the expiration of his term of office, to make settlement with Winslow, Lanier & Co., the sum of two hundred dollars be and the same is hereby appropriated.

Contingent ex-
penses of Su-
preme Court.

SEC. 27. That the sum of two thousand dollars be and the same is hereby appropriated for the contingent expenses of the Supreme Court.

Incidental ex-
penses of the Ju-
diiciary.

SEC. 28. That for the purpose of meeting the incidental expenses of the judiciary, to pay the Judges of Circuit and Common Pleas Courts called by the presiding Judge to try causes in which he may be interested, and for special terms, the sum of fifteen hundred dollars be and the same is hereby appropriated.

Current ex-
penses Institu-

SEC. 29. That for the current expenses of the Indiana

Institution for the Education of the Deaf and Dumb, including the salary of fourteen hundred dollars, which salary shall be in full for all services in connection with said institution, of the Superintendent of the same, the sum of thirty-five thousand dollars be and the same is hereby appropriated.

tion for the education of the Deaf and Dumb, and salary of Superintendent.

SEC. 30. That for the current expenses of the Indiana Institution for the Education of the Blind, including salary of fourteen hundred dollars of Superintendent of the same, which salary shall be in full for all services in connection with said Institution, the sum of twenty thousand dollars be and the same is hereby appropriated.

Current expenses of the Blind Asylum and salary of the Superintendent.

SEC. 31. That for the current expenses of the Indiana Hospital for the Insane, including the salary of eighteen hundred dollars of the Superintendent of the same, which salary shall be in full for all services at said Institution, the sum of sixty thousand dollars for each year of 1865 and 1866, be and the same is hereby appropriated.

Current expenses of Hospital of the Insane, and salary of Superintendent.

SEC. 32. That to pay the indebtedness of the State Prison North from March 16, 1863, to December 15, 1864, the sum of thirteen thousand five hundred and ten dollars and eighty-eight cents be and the same is hereby appropriated.

To pay debt of State Prison North, from March 16, 1863, to Dec. 15, 1864.

SEC. 33. That for building office at Northern Prison the two thousand dollars, for finishing walls and tower at Northern Prison, the sum of twenty thousand dollars, for completing south wing of cells, one-half of which last named sum shall be expended in the year eighteen hundred and sixty-five, and the other half in eighteen hundred and sixty-six, the sum of sixty thousand [dollars] be, and the same is hereby, appropriated.

Building office and completing State Prison North.

SEC. 34. That for the purchase of musical instruments and school apparatus for the Blind Asylum, the sum of one thousand dollars be, and the same is hereby, appropriated.

For musical instruments, &c., for Blind Asylum.

SEC. 35. To pay the claims audited by the Auditing Committee of eighteen hundred and sixty-one and eighteen hundred and sixty-two, and the Auditing Committees of eighteen hundred and sixty-three and eighteen hundred and sixty-four, the sum of two hundred any forty thousand, seven hundred and forty dollars and sixty-seven cents be, and the same is hereby, appropriated.

Claims audited by Auditing Committees of 1861, 1862, 1863, and 1864.

SEC. 36. That to pay the indebtedness of the State Prison South, the sum of eleven thousand six hundred and seventy-five dollars and fourteen cents, be, and the same is hereby, appropriated.

Debt of State Prison South.

SEC. 37. That the sum of six thousand dollars be, and the same is hereby, appropriated, to be expended by the Board of Directors of the Southern Prison, in purchasing, in the name of the State, and for the use of said prison, the six acres of land owned by Joseph D. Smith, and which tract of land has been for several years enclosed and used as a garden for said

To purchase land for State Prison South, from Joseph D. Smith.

prison, and which lies immediately in front and south of said prison; *Provide*^d, however, that said Board of Directors shall not pay, or agree to pay, more than one thousand dollars per acre for said tract of land; *Provided further*, that the said Board of Directors, if they should deem it best for the interest of the said prison and the State, may expend the said sum of money hereby appropriated, in purchasing eight acres of land being situated at the north-west side of said prison and west of the Clarksville avenue, or so much thereof as may be necessary.

Expenses of the State Government for 1868. SEC. 38. That for the purpose of meeting the expenses of the State Government, for the year one thousand eight hundred and sixty-six, the following sums are hereby appropriated.

Salary of Agent of State. SEC. 39. For the payment of the salary of the Agent of State, and incidental expenses, the sum of five thousand dollars.

Interest on Sinking Fund bonds. SEC. 40. For the payment, of interest on Sinking Fund bonds, the sum of seventy-one thousand two hundred and ninety-three dollars and eighteen cents.

Interest on University bonds. SEC. 41. For the payment of interest on the University bonds, the sum of three thousand nine hundred and ninety-four dollars and ten cents.

Executive officers and their clerks. SEC. 42. For the Executive officers and their clerks, the following sums: Salary of Governor, three thousand dollars. Salary of the Treasurer of State, three thousand dollars. Salary of the Auditor of State, two thousand five hundred dollars. Salary of the Secretary of State, two thousand dollars. Salary of the Governor's Private Secretary, five hundred dollars. Salary of the Superintendent of Public Instruction, one thousand three hundred dollars. Salary of the State Librarian, eight hundred dollars. Salary of the Auditor of State's Clerks, three thousand dollars. Salary of the Treasurer of State's Clerk, and the Secretary of State's Clerk, eight hundred dollars each. Salary of the Clerk of the Superintendent of Public Instruction, eight hundred dollars. Salary of the Attorney General, one thousand dollars. Salary of the four Judges of the Supreme Court, at two thousand dollars each, eight thousand dollars. Salary of the fourteen Circuit Judges, at fifteen hundred dollars each, twenty-one thousand dollars. For public printing, paper and binding, twenty-five thousand dollars. For salaries of fourteen Prosecuting Attorneys, at five hundred dollars each, seven thousand dollars. For State House attendance and repairs, fifteen hundred dollars. For incidentals for State Library, including binding and the purchase of new books, thirteen hundred dollars.

Sec'y. of State's office, incidentals. For the Secretary of State's office, for incidentals and postage, one thousand dollars.

- For the Auditor of State's office, fifteen hundred dollars. Aud. of State's office.
- For the Treasurer of State's office, to include the cost of exchange on the transmission of funds to New York, one thousand dollars. Treas. of State's office.
- For the office of the Superintendent of Public Instruction, for necessary incidentals, seven hundred and fifty dollars. Supt. Pub. Inst. incidentals.
- For incidental expenses for the rent of the State offices, payable on the first day of November, one thousand, eight hundred and sixty-six, the sum of three thousand dollars. Rent of State offices.
- For the current expenses, arrearages and officers' salaries of the State Prison South, twelve thousand dollars. State Prison South, current expenses and officers' salaries.
- For the current expenses, arrearages and officers' salaries of the State Prison North, twelve thousand dollars. State Pr. North, current expenses, arrearages, and officers' salaries.
- For the distribution of the Laws, fifteen hundred dollars. Dis. of the laws.
- For Sheriffs' mileage, six thousand dollars. Sher. mileage.
- SEC. 43. That the sum of seven thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated for the Civil Contingent Fund of the Governor, for the year eighteen hundred and sixty-six. Governor's civil contingent fund for 1866.
- SEC. 44. That, to pay the amount due to the Common School Fund, the sum of fifty thousand dollars be, and the same is hereby appropriated. Common School fund.
- SEC. 45. That the sum of twelve thousand dollars, for the Executive Department, for clerk hire and necessary incidentals of the Governor's office, be, and the same is hereby appropriated, or as much thereof as may be necessary. Clerk hire and incidentals of Governor's office.
- SEC. 46. That the sum of twelve thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated to pay the expenses of clerk hire, books, stationery, blanks, furniture and incidental expenses for the current business of the office of the Adjutant General. Adjt. General's clerk hire, incidentals, books, stationery, blks. &c.
- SEC. 47. That the sum of five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated to defray the expenses of telegraphing for the Executive Department. Telegraphing for Executive Department.
- SEC. 48. That the Adjutant General of the State shall have the rank, pay and allowances of a Brigadier General in the Army of the United States on post duty, to be paid out of any monies in the Treasury not otherwise appropriated, upon proper and duly certified vouchers. Adjt. General, rank, pay, and allowances of Brig. General on post duty.
- SEC. 49. That, for the miscellaneous expenses for the year eighteen hundred and sixty-six, the sum of ten thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated. Miscellaneous expenses for 1866.
- SEC. 50. That, for incidentals, including fuel, stationery, etc., for the State offices and State House, the sum of three thousand dollars be, and the same is hereby appropriated, or so much thereof as may be necessary.
- SEC. 51. That, for the traveling expenses of the Superin- Traveling ex. of Supt. Pub. Inst.

tendent of Public instruction, the sum of six hundred dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated.

Atty. General's
office, rent, &c.

SEC. 52. That, for office rent, fuel, lights and stationery, for the Attorney General, the sum of five hundred dollars be, and the same is hereby appropriated.

Judiciary, inci-
dental expenses.

SEC. 53. That, for the purpose of meeting the incidental expenses of the judiciary, to pay the Judges of Circuit and Common Pleas Courts, called by the presiding Judge to try causes in which he may be interested, and for special terms, the sum of fifteen hundred dollars be, and the same is hereby appropriated.

Current ex-
penses Deaf and
Dumb Asylum,
including salary
of Superintendent.

SEC. 54. That for the current expenses of the Indiana Institution for the Education of the Deaf and Dumb, including the salary of fourteen hundred dollars of the Superintendent of the same, which salary shall be in full for all services in connection with said Institution, the sum of thirty thousand dollars be, and the same is hereby appropriated.

Current ex-
penses of Blind
Asylum, includ-
ing salary of Su-
perintendent.

SEC. 55. That for the current expenses of the Indiana Institution for the Education of the Blind, including salary of fourteen hundred dollars of Superintendent of the same, which salary shall be in full for all services in connection with said institution, the sum of twenty thousand dollars be, and the same is hereby appropriated.

Current ex-
penses Hospital
Insane, includ-
ing salary of Su-
perintendent.

SEC. 56. That for the current expenses of the Indiana Hospital for the insane, including the salary of eighteen hundred dollars of the Superintendent of the same, which salary shall be in full for all services in connection with said institution, the sum of sixty thousand dollars be, and the same is hereby appropriated for the year eighteen hundred and sixty-five.

Contingent ex-
penses Supreme
Court.

SEC. 57. That for the contingent expenses of the Supreme Court, the sum of two thousand dollars be, and the same is hereby appropriated.

General military
fund.

SEC. 58. That the sum of two hundred thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated as a general Military Fund, out of which shall be paid all claims hereafter made of a military nature, and not otherwise provided for, properly chargeable to the State, including the claims against the Pay Department of the Indiana Legion unadjusted and now due.

Quartermaster
Gen. of State.

SEC. 59. That the sum of five thousand dollars or so much thereof as may be necessary, be, and the same is hereby appropriated for the Department of the Quartermaster General of the State of Indiana.

Troops called in-
to the State ser-
vice for twelve
months.

SEC. 60. That the sum of two thousand five hundred dollars be, and the same is hereby appropriated to pay the claims now due and unadjusted of the troops called into the

State service under the order authorizing the raising of six regiments for twelve months' service.

SEC. 61. That there shall be appointed a Committee of two members of the House of Representatives, and one member of the Senate, those on the part of the House to be appointed by the Speaker thereof, and the one on the part of the Senate to [be] appointed by the President thereof, to be known and styled as the Military Auditing Committee, whose duty it shall be to meet at Indianapolis once a month, or oftener, if necessary for the prompt transaction of business, for the purpose of examining, auditing and certifying all accounts of a military nature, under any of the appropriations made by the General Assembly of the State of Indiana at the present session, except contingent military expenses paid out of the appropriations made for the Governor's military contingent fund.

SEC. 62. No claim shall be paid out of any of said appropriations, except the Governor's Military Contingent Fund, until the same shall have been duly audited and certified by said Military Auditing Committee, or a majority thereof, and no claim shall be considered or acted upon by said Committee, unless it shall have been approved by the Governor or some one of the military executive officers of the State in whose department or under whose order the service or expenses were incurred.

No claim shall be allowed out of appropriation unless audited and certified, except out of Gov. Mil. Cont. Fund, nor any claim to be considered by Auditing Committee until it has been approved, &c.

SEC. 63. Said Committee shall, upon their organization and from time to time thereafter, make and establish such rules and regulations and adopt such forms as may be necessary for conducting the business entrusted to them, and may administer oaths or affirmations and require the attendance of witnesses, and the production of records and papers in any case that may come before them, if, in their judgment, such investigation shall be necessary for the protection of the interests of the State or for the benefit of the public service, and for this purpose they may employ, if necessary, a messenger to serve process.

Committee may establish forms, rules and regulations, may administer oaths and affirmation, require the attendance of witnesses, and send for records, and employ messenger.

SEC. 64. It is hereby made the duty of the Attorney General of the State, whenever notified and required by the Committee, to attend its sessions, and resist the allowance of all claims presented, and counsel and advise the Committee on all questions of law, that may arise in their investigations, and should the Attorney General be unable to attend when required, the Governor shall upon requisition of the Committee, appoint a competent attorney to represent the State, who shall be entitled to the same compensation for his services as hereinafter provided for the Attorney General.

Attorney General to counsel committee and resist claims; Governor to appoint attorney on requisition of committee when Attorney General is unable to attend; compensation of Attorney General.

SEC. 65. Said Committee shall appoint a Secretary, who shall attend personally, and keep the rooms of the Committee open during the usual hours for the transaction of business, and

Committee shall appoint a clerk, who shall keep acc't of claims presented, clas-

sifying the same, showing claims allowed rejected or withdrawn; the evidence relating to them.

State Librarian to furnish committee rooms, and keep same in order.

Committee Secretary and Messenger to take an oath and file in the office of Sec'y of State.

Members of committee and Attorney General each allowed \$5 per day, and 5 cents mileage. Clerk and Messenger's allowance.

Books, records, &c., shall be filed with Auditor of State—committee shall continue its sessions until the next meeting of the General Assembly; shall make report to General Assembly.

Emergency declared.

shall keep an accurate and complete record of all claims presented, properly classifying the same. Showing, also, claims allowed in whole or in part, claims rejected, withdrawn, or otherwise disposed of, and the evidence and testimony relating to said claims. Rooms for the accommodation of the Committee shall be furnished in the State Capitol buildings, or elsewhere, if necessary, by the State Librarian, who shall cause the same to be kept in order.

SEC. 66. Before entering upon their duties, the members of said Committee and the Secretary and Messenger thereof, shall severally take and subscribe an oath, to honestly and faithfully discharge their duties, which oath shall be filed in the office of the Secretary of State.

SEC. 67. The members of said Committee and the Attorney General, shall each be allowed the sum of five dollars per day, while in the actual performance of the duties herein required, including time necessarily employed in traveling to and from Indianapolis, to attend the meetings of said Committee, and the further sum of five cents per mile mileage for traveling expenses in going to and returning from their respective places of residence in attending the meetings aforesaid. The Secretary shall be allowed the sum of five dollars per day, and the Messenger the sum of three dollars per day for each day's service in attending the meetings of said Committee, all of said allowances including the expense of necessary books, blanks, stationery, and other articles required for the official use of said Committee, shall be paid out of the treasury, from any funds not otherwise appropriated, upon certified statements or accounts, signed by said Committee or a majority thereof.

SEC. 68. The books, records, vouchers and evidences adduced in support of claims of the present and former Military Auditing Committees, shall be filed as soon as practicable in the office of the Auditor of State, who shall safely keep and preserve the same, and the Committee shall continue their sessions until the next regular meeting of the Legislature, if the duties herein imposed upon them be not fully discharged and completed before that time, and upon the completion of their labors they shall make and submit a full and succinct report of their transactions for the information of the General Assembly.

SEC. 69. It is declared that an emergency exists for the immediate taking effect of this act, therefore it shall be in force from and after its passage.

CHAPTER III.

AN ACT authorizing the Auditor and Treasurer of State to sell certain swamp lands belonging to the State of Indiana, deeded by General Government to the State, November 7, A. D. 1857, and known as the Indemnity Lands.

[APPROVED MARCH 6, 1865.]

WHEREAS, The General Government of the United States conveyed to the State of Indiana, by deed dated November 7, 1857, about four thousand acres of land in lieu of land that had been entered at the different land offices in this State, while the selection of said lands were being made, and after the passage of the Swamp Land Act by Congress; and whereas, a doubt exists in the minds of the State officers as to their right to sell those lands by the authority given in the General Swamp Land Act of this State; therefore,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the State Auditor and Treasurer are hereby authorized to sell the lands set forth in the foregoing preamble, under the rules and regulations of the General Swamp Land Act, approved May 29, 1852.

Auditor and Treasurer authorized to sell land under act of May 29, 1852.

CHAPTER IV.

AN ACT ratifying the action of the Governor in settling and discharging the State's quota of the direct tax levied by Congress, in 1861, and authorizing him to settle all unsettled claims of the State against the United States.

[APPROVED MARCH 6, 1865.]

WHEREAS, The Congress of the United States did, by section 8, of an act approved the 6th day of August, A. D. 1861, lay an annual tax of twenty millions of dollars upon the United States, and apportion to the State of Indiana the sum of nine hundred and four thousand, eight hundred and seventy-five dollars and thirty-three cents, (\$904,875 33,) and by section fifty-three (53) provide that any State may assume, assess and collect its portion of said tax, in its

Preamble.

own way and manner, and pay the same into the Treasury of the United States; and further provide that any State which shall give notice by the Governor, or other proper officer thereof, to the Secretary of the Treasury of the United States on or before the second Tuesday of February then next ensuing, of its intention to assume and pay, or to assess, collect and pay into the Treasury of the United States the direct tax imposed by said act, should be entitled, in lieu of compensation and expenses of collection of the United States, to a deduction of fifteen per centum on the quota of the said tax apportioned to said State; and did further provide that said deduction of fifteen per centum should be made to apply to such part or parts of said quota as shall have actually been paid into the Treasury of the United States on or before the last day of June in the year to which such payment relates; and did further provide that the amount of said tax apportioned to any State should be liable to be paid and satisfied, in whole or in part, by the release of such State duly executed to the United States of any liquidated and determined claim of such State of equal amount against the United States, and that, in case of such release, the same abatement should be allowed of the amount of such tax as would be allowed in case of the payment of the same in money.

AND WHEREAS, The United States were, on or before the first day of December, 1861, indebted to the State of Indiana for advances made to equip, supply and transport the troops of the State in the service of the United States, in a sum sufficient to pay the State's quota of said direct tax, deducting fifteen per centum, which advances the Secretary of the Treasury of the United States acknowledged to be a "claim" against the United States within the scope and meaning of said act of August 6, 1861, to any amount which might be found due on a full settlement and adjustment thereof.

AND WHEREAS, The Governor of this State, with the full concurrence of the Auditor. Treasurer and Secretary of State, did, before the said second Tuesday of February following the approval of said act, give notice to the Secretary of the Treasury of the United States, of the intention of said State to assume and pay its quota of said direct tax, and did propose in payment and satisfaction thereof, to duly release to the United States, the whole of the claim due to said State by the United States, or so much thereof as might upon settlement be found sufficient to pay said quota, and did before the said second Tuesday of February, forward to the Secretary of the Treasury of the United States, the proper papers and vouchers to prove and establish said claim against the United States.

AND WHEREAS, The time fixed by said act of August sixth, within which payment of the quota of any State of said tax by the release of claims due to such State from the United States, to-wit: the last day of June, A. D. 1861, was found to be insufficient to allow a settlement of such claims, and a determination of the amounts due, a subsequent act of Congress, approved May thirteenth, A. D. 1862, provided that the deduction of fifteen per centum upon payments made by the release of claims for reimbursement of expenses incurred in enrolling, enlisting, clothing, supplying, arming, equipping, paying and transporting the troops of the State, presenting such claims, should apply to all of said claims that should be filed with the proper officers of the United States before the thirtieth of July following.

AND WHEREAS, Under the extended time of settlement granted by said act of the thirteenth of May, the Governor of this State did cause to be filed a sufficient amount of the claims prescribed by said act to cover the State's quota of said direct tax, and duly execute a release thereof to the United States, and thereby fully paid and satisfied the same; saving to the State over one hundred and thirty-five thousand dollars.

AND WHEREAS, The Governor has appointed an agent or agents to assist in the settlement of said claims against the United States. Now, therefore, and in consideration of the facts above set forth :

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all and singular the acts of Oliver P. Morton, Governor of the State of Indiana, in the settlement of the claims of the State against the United States, for enrolling, enlisting, clothing, supplying, arming, equipping, paying and transporting the troops of the State in the service of the United States, and in paying and satisfying the State's quota of the direct tax laid and levied by Congress on the sixth day of August, A. D., 1861, by the due execution of a release or releases to the United States of said claims be, and they are hereby, fully and entirely approved.

Acts of the Governor in settling claims against the United States, and satisfying the State's quota of direct tax of 1861, approved.

SEC. 2. The Governor is hereby authorized to proceed with the settlement of said claims by such agent or agents as he may deem necessary, and to file and settle and adjust such other claims as may from time to time accrue against the United States, in the same manner.

Governor authorized to proceed with settlement of claims.

CHAPTER V.

AN ACT to amend the first section of an act entitled, "an act to amend the second section of an act entitled an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February 12, 1855, so as to authorize the formation of ferry companies," approved February 16, 1857, so as to authorize the survey, construction, maintenance and repair of harbors, docks and piers upon Lake Michigan, and other navigable waters, and to assess and collect tolls thereof.

[APPROVED MARCH 3, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first section of an act entitled, "an act to amend the second section of an act entitled an act concerning the organization of voluntary associations, and repealing former laws in relation thereto, approved February 12, 1855, so as to authorize the formation of ferry companies," approved February 16, 1857, which reads as follows, to-wit:

Act amended.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the second section of an act entitled, "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, which is in the following words, to-wit:

Sec. 2. *Be it further enacted*, That any persons may voluntarily associate themselves together for either of the following purposes:

First. To maintain and establish horticultural, literary or scientific associations.

Second. To organize military or fire companies.

Third. To provide suitable grounds for the burial of the dead, for public walks and commons, and to ornament the same with shade trees and shrubbery.

Fourth. To plant, cultivate and preserve shade trees in the public squares, and along the streets of towns.

Fifth. To organize Masonic and Odd Fellow Lodges subordinate to their several Grand Lodges, and also Divisions of the Sons and Daughters of Temperance, or other charitable associations and orders.

Sixth. To erect and maintain suitable buildings for public meetings.

Seventh. To import horses, cattle, sheep, hogs and other animals for agricultural purposes.

Eighth. To erect and maintain ferries.

Be so amended [as] to read as follows:

Amendment.

SEC. 2. *Be it further enacted*, That any persons may voluntarily associate themselves together for either of the following purposes:

First. To maintain and establish horticultural, literary or scientific associations.

Second. To organize military or fire companies.

Third. To provide suitable grounds for the burial of the dead, for public walks and commons, and to ornament the same with shade trees and other shrubbery.

Fourth. To plant, cultivate and preserve shade trees in public squares and along the streets of towns.

Fifth. To organize Masonic or Odd Fellows Lodges subordinate to their Grand Lodges, and also Divisions of the Sons and Daughters of Temperance, or other charitable associations and orders.

Sixth. To erect and maintain suitable buildings for public meetings.

Seventh. To import horses, cattle, sheep hogs, and other animals for agricultural purposes.

Eighth. To erect and maintain ferries.

Ninth. To survey, construct, build, establish, maintain, and repair harbors, piers and docks upon Lake Michigan and other navigable waters, and to levy and collect tolls for the use thereof, (with the consent of Congress, if such consent shall be found necessary,) and there shall be no limit to their annual receipts.

SEC. 2. Inasmuch as there is no law authorizing the construction of harbors, and as it is necessary that the authority to construct them should be given before the laws of this session will be distributed, an emergency exists, and therefore this act is declared to be in force from and after its passage.

Emergency declared.

CHAPTER VI.

AN ACT to allow cities and towns to permit the location of railroads on the streets and alleys, for the purpose of conveying coal into, and through, said cities and towns.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Trustees of any town, or the Common Council of any city, may grant to any person, or corporation, or company, the right and privilege to locate and run a railroad track through said town or city, on the streets or alleys thereof, for the purpose of conveying coal into, or through said town or city, under such restrictions and regulations as the Trustees, or Common Council, may require.

Trustees of towns or Com'n. Council of cities may permit railroad to be laid along streets and alleys.

SEC. 2. And whereas, an emergency exists for the immediate taking effect of this act, it shall be in full force from and after its passage.

Emergency declared.

CHAPTER VII.

AN ACT to legalize the proceedings of the Court of Common Pleas of Jackson County, had at the October term, 1864.

[APPROVED JANUARY 21, 1865.]

Preamble.

WHEREAS, At the October term, 1864, of the Court of Common Pleas of Jackson County, the Hon. Beattie McClellan, the then Judge of said Court, failed to sign the records of the proceedings of said Court; therefore,

Proceedings of the October term, 1864, to have the same effect as if they had been duly signed by the Judge.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of the Court of Common Pleas of Jackson County, had at the October term, 1864, are declared to have the same force and effect they would have had had they been duly signed by the then Judge of said Court.

Emergency declared.

SEC. 2. Whereas, doubts exist as to the validity of the proceedings of said Court, at its said October term, 1864, which may jeopardize the interest of parties, it is hereby declared that an emergency exists for the immediate taking effect of this act, it is hereby further enacted that it shall take effect from and after its passage.

CHAPTER VIII.

AN ACT authorizing Supervisors of Roads to remove fences standing near public highways, on streams and water-courses, and to turn public roads and highways, on water-courses, to the rear of buildings, where such buildings stand too near the stream to give room for said roads or highways, and assess damages for losses occasioned thereby.

[APPROVED MARCH 6, 1865.]

Highways running along the bank of creek becomes unsafe, Supervisor to give notice to adjoining occupant to move fence for room for road, and on failure, Supervisor to call out hands and move same.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That, when any public road or highway, running or passing along the bank of any stream or water-course, shall, by the falling or washing away of the bank of such stream or water-course, become unsafe, or inconvenient for use as a public highway, it shall be the duty of the Supervisor of Highways having such road in charge forthwith

to give the owner or occupant of the land over which said road passes notice to remove his fence back from the bank of such stream or water-course far enough to admit of the opening and construction of a road at least forty feet wide; and if the owner or occupant of such land should neglect to remove said fence, as required by such notice, it shall be the duty of such Supervisor to call out the hands liable to work on roads in his road district, and forthwith remove such fence, doing to the owner or occupant no greater damage than is necessary for the removal of such fence.

SEC. 2. That if any dwelling house or building should stand so near such stream or water-course, so that a sufficient space is not left for such road, then such Supervisor may open said road in the rear of such dwelling house, or other building.

Dwelling in way of road, said road to be opened in rear of house.

SEC. 3. When said fence shall be removed, or road changed to the rear of buildings, as aforesaid, then the owner of such land may file with the Board of Commissioners of the county where the same is situated, a claim for damages for the removing of said fence, or the change of such road, and for the use of the ground over which said road shall pass; and upon the filing of such claim, it shall be the duty of such Board of Commissioners to appoint two reputable freeholders of such county to view such premises, and assess the damages of such claimant, by reason of the appropriation of his said land for said road, and the removal of said fence.

When fence removed or road changed to rear of building, owner may file with Commissioners claim for damages.

Two reputable freeholders to be appointed to assess the damage.

SEC. 4. Such viewers shall be sworn to faithfully and impartially assess the damages of such claimant, and upon actual view of such premises, assess such damages, and report the same to such Board of Commissioners, and such Board of Commissioners may allow, and order the same to be paid out of the Treasury of such county; or, if they deem such assessment to be too high, they may, in their discretion, appoint reviewers to make said assessment, who shall be sworn, and proceed in like manner to assess such damages, and report the same to such Board, and said Board shall order the amount of such assessment to be paid out of the Treasury of such county.

Viewers to be sworn, and report damages to Commissioners, which shall be paid out of county treasury.

Or may appoint reviewers when assessment is too high, who shall be sworn, and report damages to Commissioners.

SEC. 5. If such claimant shall feel aggrieved by such assessment, he may demand a review of such premises, and a new assessment of such damages, whereupon said Board shall appoint reviewers, as aforesaid, who shall review such premises, and reassess such damages; but if said re-assessment shall be for no greater sum than the first assessment, said claimant shall pay the cost of said review.

Claimant may demand review.

SEC. 6. Whereas, an emergency exists, this law shall be in force from and after its passage.

Emergency declared.

CHAPTER IX.

AN ACT to fix the times of holding the Common Pleas Courts, in the County of Grant, and repealing all laws inconsistent herewith.

[APPROVED MARCH 6, 1865.]

Court to sit second Monday in March and July, and third Monday in September, and hold two weeks each term.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Court of Common Pleas, in the County of Grant, shall hereafter sit as follows: On the second Monday of March and July, and the third Monday of September in each year, and hold two weeks at each term, if the business thereof require it.

Acts repealed.

SEC. 2. *Be it further enacted*, That all laws inconsistent herewith are hereby repealed.

Emergency declared.

SEC. 3. *Be it further enacted*, That an emergency exists for the immediate taking effect of this act, therefore, the same shall be in force from and after its passage.

CHAPTER X.

AN ACT to fix the times of holding the Circuit Courts in the Eleventh Judicial Circuit, and to regulate the return of process in said Circuit.

[APPROVED JANUARY 31, 1865.]

Time for holding Courts in the County of Carroll.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Circuit Courts in the Eleventh Judicial Circuit shall hereafter be held as follows, to-wit: In the County of Carroll, on the second Monday of February and August of each year.

In the County of Cass.

In the County of Cass, on the Monday succeeding the Courts in the County of Carroll.

In the County of Miami.

In the County of Miami, on the Monday succeeding the Courts in the County of Cass.

In the County of Wabash.

In the County of Wabash, on the Monday succeeding the Courts in the County of Miami.

In the County of Huntington.

In the County of Huntington, on the Monday succeeding the Courts in the County of Wabash.

In the County of Grant.

In the County of Grant, on the Monday succeeding the Courts in the County of Huntington.

SEC. 2. The Courts in the Counties of Carroll, Miami,

Huntington and Grant, shall sit two weeks if the business thereof require it, and the Courts in the Counties of Wabash and Cass, shall sit three weeks if the business thereof require it.

Set two weeks in Carroll, Miami and Huntington. Three weeks in Wabash and Cass.

SEC. 3. All writs, subpoenas, venires, orders of Court, recognizances, publication or process whatever, which may have issued previous to the commencement of said terms, as herein provided, shall be, and are hereby, made returnable to the first day of the term of said Courts respectively, to be holden as is provided in this act.

Process returnable, how.

SEC. 4. Whereas as emergency exists for the immediate taking effect of this act, therefore it is further enacted, that this act shall be in force from and after its passage.

Emergency declared.

CHAPTER XI.

AN ACT for the encouragement of agriculture, and authorizing the Indiana State Board of Agriculture to purchase, hold and sell real estate; legalizing the purchase by said Board, of certain lands in Marion County; exempting the property of said Board from taxation; authorizing the County Treasurer of Marion County, and the Treasurer of State, to refund certain taxes; and making an annual appropriation for the use of said Board.

[APPROVED MARCH 3, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Indiana State Board of Agriculture is empowered to purchase and hold real estate, for the purpose of holding State Fairs, and other uses of the Board, to an amount not exceeding eighty acres; and to sell any real estate it may hold for the purpose of reinvesting the proceeds in other real estate for the same general objects.

State Board of Agriculture may purchase and hold land and sell the same.

SEC. 2. That the purchases of real estate made by said Board, A. D. 1860, of William A. Otis, and others, consisting of thirty-six acres, of the north-west quarter of section thirty-six, township sixteen, range three east, in Marion County, are hereby ratified and confirmed; and the said Board is empowered to hold the same for the general objects of the Board; *Provided*, That nothing herein contained shall authorize said Board to hold more than eighty acres, as aforesaid.

Purchases made in 1860 ratified.

SEC. 3. That the real and personal estate of said Board, shall be exempt from taxation, and that the County Treasurer of Marion County is authorized and required to pay to said

Proviso.

Real and personal estate, exempt from taxation.

Board the amount of taxes assessed and collected upon said real estate for said county, for the years 1862, 1863, and 1864; and that the Treasurer of State shall refund to said State Board of Agriculture, the amount of State taxes collected upon said real estate, for the years aforesaid.

Appropriation
for use of Board.

SEC. 4. That the sum of fifteen hundred dollars annually is appropriated for the use of said Board, to be paid out of the State Treasury, upon the first day of April, yearly, and to be receipted for by the President of said Board.

Emergency de-
clared.

SEC. 5. Whereas an emergency exists for the immediate taking effect of this act, therefore it shall take effect from and after its passage.

CHAPTER XII.

AN ACT to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said Act by officers and others; and also repealing an act to license dogs, approved March 11th, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "An Act for the protection of sheep," approved June 15, 1852.

[APPROVED MARCH 2, 1865.]

Duty of Town-
ship Assessors,
when making
assessment, to
ascertain, under
oath or affirma-
tion, the num-
ber of dogs over
the age of six
months, wheth-
er male or fe-
male, and report
the same to
County Auditor.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the Township Assessors in the several counties of this State, when making the assessment of personal property in their respective townships, to ascertain under oath or affirmation, the number of dogs over the age of six months, and their kinds, whether male or female, owned, kept or harbored by any person resident or sojourning therein, and make report of the same to the proper County Auditor at the time of returning the assessment roll of property in each year.

Auditors, when
making out du-
plicate, to add in
separate column
number of dogs
over the age of
six month, whe-
ther male or fe-
male, and
charge owner on
duplicate the
one dollar for
male and two
dollars for fe-
male dog, and
Treasurer to
collect same.

SEC. 2. That it is hereby made the duty of the several County Auditors in this State, when making out the duplicates of taxes for their respective counties, to add to the same in separate column or columns, the number of dogs over the age of six months, and whether male or female, owned, kept or harbored by persons in their respective counties, as returned by the assessors, and charge each and every owner on his said duplicate the sum of one dollar for a male, and the sum of two dollars for a female dog, owned, kept or harbored by them, and for each dog more than one the sum of two dollars

each; and said auditor shall carry out the amount of the sums so charged into the column of total amounts assessed against the owner, and the same shall be collected by the County Treasurer in the same way and manner to all intents and purposes as State and county taxes are now collected.

SEC. 3. The several County Auditors, after the annual settlement with the treasurer in March of each year, shall set apart the amount collected in each and every township, and the County Treasurer shall pay over the same to the proper Township Trustee.

County Auditors, after settlement with Treasurer, to set apart amount collected, and County Treasurer pay Township Trustee.

SEC. 4. The sums so collected and received in each township, are hereby declared to be a fund for the payment of damages sustained by the owners of sheep maimed or killed by dogs within such township; and each Township Trustee is directed and required to hold the same for such purposes: *Provided, however,* That when it shall so happen on the first Monday in March in each year, in any township, that the said fund shall accumulate to an amount exceeding fifty dollars over and above orders drawn against the same, that the surplus over said sum of fifty dollars shall be paid to the credit of the school revenue of the township, and shall be expended in the payment of tuition within said township as other funds received for that purpose.

Sums collected to be a fund to pay damages sustained by owners of sheep maimed or killed by dogs.
Proviso.

Surplus to be paid to the credit of school revenue.

SEC. 5. Any person sustaining loss by the maiming or killing of sheep as aforesaid, shall lay his or her claim to damages before the Trustee of the proper Township; and upon proper proof being made to the satisfaction of said Trustee, he shall award such damages as he may deem just, and pay the same out of the moneys received by him applicable to that purpose: *Provided, however,* That each person claiming damages under this act shall take an oath before such Trustee not to prosecute any claim for damages against the owner of the dog causing such damage. Nor shall any person be entitled to the benefit of this act who shall have first elected to maintain an action against the owner, and shall have actually prosecuted such action.

Persons sustaining loss by dogs to lay claim before Township Trustees, who shall award damages.

Proviso.

SEC. 6. Any County Auditor or Treasurer, Township Trustee or Assessor, or any officer, who shall neglect or refuse to perform any of the duties imposed on him by this act, shall for every such offence be fined in any sum not less than ten dollars, nor more than twenty-five dollars, with cost of prosecution, upon complaint made before any justice of the peace of the proper township, for the benefit of the common school revenue.

Penalty against officers for failing to perform duty under this act.

SEC. 7. Prosecutions under this act shall be in the name of the State of Indiana.

Prosecution in name of State.

SEC. 8. That an act entitled "An Act to license dogs, and providing for the payment of damages sustained in the maiming or killing of sheep by dogs, declaring unlicensed

Act approved March 11, 1861. repealed.

dogs nuisances, and declaring under what circumstances they may be killed, and prescribing a punishment for killing licensed dogs, and to provide penalties for the violation of any provisions of said act by officers and others," approved March 11th, 1861: *Provided*, That nothing in this act shall be so construed as to conflict with the provisions of an act entitled "An Act for the protection of sheep," approved June 15th, 1852, be, and the same are hereby, repealed.

Not to conflict
with act ap-
proved June 15,
1852.

Emergency de-
clared.

SEC. 9. That an emergency exists for the immediate taking effect of this act, therefore this act shall take effect and be in force from and after its passage.

CHAPTER XIII.

AN ACT to amend an act, entitled "an act in relation to witnesses, and to repeal section 238, of article 13, of the act, entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' approved June 18, 1852, and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force," which took effect and went into force, March 17, 1861.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section three of the above entitled act, which section reads as follows, to-wit:

Act amended.

"Section 3. Persons insane at the time of examination; children under ten years of age, and incapable of properly understanding the facts about which they are examined; husband and wife as to matters for or against each other, or as to communications made to each other during marriage; attorneys-at-law as to confidential communications from a client, or advice given to such clients; physicians as to any matters confided to them in the course of the duties of their profession; clergymen concerning any confession made to them in the course of discipline enjoined by the church, shall not, in either case, be included in the second section of this act, or be competent witnesses, unless with the consent of the party making such confidential communications: *Provided*, That where a negro, Indian, or person excluded on account of mixed blood, is a party to a cause, his opponent shall also be excluded: *And provided further*, That in all suits where an executor, administrator or guardian is a party, in a case where a judgment may be rendered either for or against the estate represented by such executor, administrator or

guardian, neither party shall be allowed to testify as a witness, unless required by the opposite party, or by the Court trying the cause, except in cases arising upon contracts made with the executor, administrator or guardian of such estate," be, and the same is hereby amended so as to read as follows, to-wit:

SEC. 3. Persons insane at the time of examination; children under ten years of age, and incapable of properly understanding the facts about which they are examined; husband and wife as to matters for or against each other, or as to communications made to each other during marriage; attorneys-at-law as to confidential communications from a client or advice given to such clients; physicians as to any matters confided to them in the course of their profession; clergymen concerning any confessions made to them in the course of discipline enjoined by the church, shall not, in either case, be included in the second section of the act to which this is an amendment, or be competent witnesses, unless with the consent of the party making such confidential communications: *Provided*, That where a negro, Indian, or person excluded on account of mixed blood, is a party to a cause, his opponent shall be excluded: *And provided further*, That in all suits where an executor, administrator or guardian is a party in a case where a judgment may be rendered either for or against the estate represented by such executor, administrator or guardian, neither party shall be allowed to testify as a witness, unless required by the opposite party, or by the Court trying the cause, except in cases arising upon contracts made with the executor, administrator, or guardian of such estate, "and in cases where a party to a suit, pending in any Court in this State, whose deposition has been taken in such suit, and is on file in such Court, dies, and such suit is prosecuted by, or against the executor, or administrator of such deceased party, the opposite party shall be allowed to testify on the trial of the cause, and such deposition may be read in evidence by and on behalf of the representative of such deceased party": *And provided further*, That in all suits against heirs, founded on a contract with, or demand against the ancestor, the object of which is to obtain title to, or possession of land, or other property of such ancestor, or to reach, or affect the same in any way, neither party shall be allowed to testify as a witness, as to any matter which occurred prior to the death of such ancestor, unless required by the opposite party; and the assignor of the plaintiff, in any such suit, where there has been an assignment of the cause of action, shall be deemed and held to be a party within this provision.

Amendment.
Insane persons, children under ten years, husband and wife, attorneys, physicians and clergymen not competent witnesses in certain cases.

Party excluded on account of blood, his opponent not competent.
Where executors, guardians, or administrators, are parties, their opponents not competent in certain cases.

In suits against heirs on account of contracts with ancestor, opposite parties not competent.

SEC. 2. It is declared that an emergency exists for the immediate taking effect of this act. It is therefore declared to be in force from and after its passage.

Emergency declared.

CHAPTER XIV.

AN ACT to amend sections six and ten of an act entitled "an act to provide for and regulate the inspection of tobacco throughout the State of Indiana," approved February 12, 1857.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section six of an act entitled "an act to provide for, and regulate the inspection of tobacco throughout the State of Indiana," approved February 12, 1857, which reads as follows, to-wit:

Sec. 6 amended.

Amendment.

"The fees to be collected by the proprietor of any tobacco warehouse in this State shall be as follows: One dollar and fifty cents for receiving, weighing, coopering, marking, making out bills-of-sale, and paying the money to the seller, and making out and delivering the note or memorandum to the purchaser, and fifty cents storage, and twenty cents to inspectors; of this amount the planter, or owner, shall pay one dollar, and the purchaser shall pay one dollar and twenty-five cents, when the note is made out and presented to said purchaser," be, and the same is hereby amended so as to read as follows, to-wit:

Fees for receiving, weighing, coopering, marking, making out bills, &c., to be paid by purchaser.

The fees to be collected by the proprietor of any warehouse, in this State shall be as follows: Two dollars and fifty cents for receiving, weighing, coopering, marking, making out bills-of-sale, and paying the money to the seller, and making out and delivering the note or memorandum to the purchaser; and seventy cents storage, and thirty cents to the inspector, upon each hogshead of tobacco. Of this amount, the planter, or seller, shall pay one dollar and seventy-five cents; and the purchaser shall pay one dollar and seventy-five cents, when the note is made out and presented to said purchaser; and the proprietor of any warehouse in this State for the inspection and sale of tobacco shall be allowed, in addition to the fees herein named, one per cent. upon the amount of all sales made by him, to be charged and collected from the planter, or seller.

An addition of one per cent. to be paid by planter seller.

Sec. 10 amended.

SEC. 2. That section ten of said act, (which is in the words and figures as follows, to-wit:

One dollar extra for storage.

"If any hogshead of tobacco shall remain in the warehouse twelve months, the proprietor of said warehouse shall be entitled to one dollar extra for storage, and at the same rate for the time it shall remain after one year, and shall be entitled to fifty cents, hereinbefore named, for storage on all tobacco which may remain in such warehouse for less than one year. A lien is hereby given to the proprietor of warehouses, and inspectors on all tobacco, and the pro-

ceeds thereof for the fees and charges on the same,"—he, and the same is hereby amended, to read as follows:

Lien on tobacco for fees.

Amendment.

If any hogshead of tobacco shall remain in the warehouse sixty days, the proprietor of said warehouse shall be entitled to fifty cents extra for storage, and at the same rate for the time it shall remain after the sixty days, and shall be entitled to seventy cents, hereinbefore named, for storage on each hogshead of tobacco, which may remain in such warehouse for less than sixty days. After the sale of tobacco, the proprietors may charge, and collect of the purchaser, fifty cents per month for each hogshead of tobacco, so long as it remains in such warehouse. A lien is hereby given to the proprietors of warehouses, and inspectors on all tobacco, and the proceeds thereof for the fees and charges on the same.

Extra for storage in certain cases.

Seventy cents storage when time less than sixty days.

A lien for fees and charges.

This act to take effect, and be in force, from and after its passage.

CHAPTER XV.

AN ACT to amend section 322 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section three hundred and twenty-two of the above-entitled act, which reads as follows:

"Section 322. A motion to postpone the trial, on account of the absence of evidence, can be made only upon affidavit, showing the materiality of the evidence expected to be obtained, and that due diligence has been used to obtain it; and where the evidence may be, and if it is for an absent witness, the affidavit must show where the witness resides, and the probability of procuring his testimony within a reasonable time, and what facts he believes the witness will prove, and that he believes them to be true, and that he is unable to prove such facts, by any other witness whose testimony can be as readily procured. If, thereupon, the adverse party will consent that on the trial the facts shall be taken as true, the trial shall not be postponed for that cause"—be amended to read as follows, to-wit:

Sec. amended.

A motion to postpone the trial on account of the absence of evidence, can be made only upon affidavit showing the materiality of the evidence expected to be obtained, and that

How amended.
Motion to postpone trial on account of absent testimony to be

made on affidavit showing materiality of evidence, that diligence has been used, where the evidence may be. If for an absent witness, where witness resides, the probability of procuring his testimony, and that his absence has not been procured by the act of the party, &c. What facts he expects to prove by witness, and that he believes them to be true. Adverse party admit the facts set out in the affidavit. Party against whom such witness is used may impeach absent witness.

due diligence has been used to obtain it; and where the evidence may be, and if it is for an absent witness, the affidavit must show where the witness resides, and the probability of procuring his testimony within a reasonable time, and that his absence has not been procured by the act or connivance of the party, nor by others at his request, nor with his knowledge and consent, and what facts he believes the witness will prove, and that he believes them to be true, and that he is unable to prove such facts by any other witness whose testimony can be as readily procured. If, thereupon, the adverse party will consent that on the trial the facts shall be taken as true, if the absent evidence is written or documentary, and, in case of a witness, that he will testify to said facts as true, the trial shall not be postponed for that cause; and, in such case, the party against whom such evidence is used shall have the right to impeach such absent witness, as in case where the witness is present, or his deposition is used.

CHAPTER XVI.

AN ACT to amend an act entitled "An Act in relation to County Treasurers, approved June 4th, 1852," and declaring an emergency.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section one of the above entitled act, which is in the words following, to-wit:

Section amended.

"Section 1. That the term of office of County Treasurer shall commence at the expiration of the term of the present incumbent, and he shall, before entering upon the duties of his office, execute his official bond, with at least four freehold sureties, in a penalty of not less than double the amount of money which may come into his hands at any time during his term, by virtue of his office, to the acceptance of the Board of County Commissioners," be, and the same is hereby, amended so as to read as follows, to-wit:

How amended.
Term of office of County Treasurer to commence at the expiration of the term of the present incumbent.
To execute bond, in what manner.

SEC. 1. That the term of office of County Treasurer shall commence at the expiration of the term of the present incumbent, and he shall, before entering upon the duties of his office, execute his official bond, with at least four freehold sureties, in a penalty not less than double the amount of money which may come into his hands at any time during his term, by virtue of his office, to the acceptance of the Board

of County Commissioners, which bond shall be signed and acknowledged by said Treasurer and his sureties in the presence of the said County Commissioners, or a majority of said Commissioners.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, it shall therefore take effect and be in force from and after its passage. Emergency declared.

CHAPTER XVII.

AN ACT repealing the second section of an act, approved March 3, 1863, entitled "An Act providing for the colonization of Free Negroes, making appropriations therefor, and establishing a colonization agency."

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section second of an act, approved March, 3, 1863, entitled "An Act providing for the colonization of Free Negroes, making appropriations therefor, and establishing a colonization agency," be, and the same is hereby, repealed. Sec. repealed.

SEC. 2. Whereas the Colonization Agent, appointed under the provisions of the above recited act, is drawing an annual salary without rendering any adequate service to the State, it is therefore declared that an emergency exists for the immediate taking effect of this act, and the same shall be in force and take effect from and after its passage. Emergency declared.

CHAPTER XVIII.

AN ACT authorizing street or horse-car railway companies to use State, county or township roads, or other public highway, for their railway track, under certain conditions and regulations.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any street or horse car-railway company organized under the laws of the State of Indiana, and Street or horse car railway Co. may extend track on high-

ways with consent of county commissioners.

operating such road within any of the incorporated towns or cities of the State, and desiring to extend their road beyond such town or city limits, on any State or county road, or other public highway, may do so after procuring the consent of the Board of County Commissioners of such county.

Highways graveled or planked, and tolled by a company, street or horse car railway company to have consent of gravel or plank road company. Consent when given not to be revoked. Same protection outside of town or city limits as within.

SEC. 2. If such road or highway is graveled or planked, and being tolled by a gravel or plank road company, such street or horse car railway company, shall also be required to procure the consent of such gravel or plank road company to run their road over such gravel or plank road, which consent, when given, shall not be revoked by such gravel or plank road company.

SEC. 3. Such street or horse car-railway company, operating such road outside of such town or city limits, shall have the same protection, and, in its running, be governed by the same regulations prescribed for it within such town or city.

Track to be located in centre of highway.

SEC. 4. Such street or horse car-railway company shall, in all cases in which any road or highway shall be used by them for the purposes expressed in this act, locate their track in the center of said road or highway, as near as may be; and shall complete the same within a reasonable time from commencing the same, and, in all cases, they shall leave the road or highway in as good repair as the same was found by them at the commencement of the building of the railway.

Same to be completed within a reasonable time, and to leave highway in good repair.

Emergency declared.

SEC. 5. Whereas, an emergency exists for the immediate taking effect of this act, it is, therefore, declared that it shall take effect, and be in force, from and after its passage.

CHAPTER XIX.

AN ACT to amend sections one and two of an act, entitled "an act fixing the *per diem* and mileage of members of the General Assembly, Secretaries, Clerks and Doorkeepers," approved June 4, 1852.

[APPROVED MARCH 4, 1865.]

SECTION 1. *Bé it enacted by the General Assembly of the State of Indiana*, That section one of an act entitled "an act fixing the *per diem*. and mileage of the members of the General Assembly, Secretaries, Clerks and Doorkeepers," approved June 4, 1852, which reads as follows :

Sec. amended.

"That the pay of members of the General Assembly shall be three-dollars per day while in actual attendance, or absent on busi-

ness of the General Assembly, or unable to attend from sickness, and three dollars for every twenty-five miles they may travel from their usual place of residence, to the seat of government and back, by the most direct and traveled route," be, and the same is hereby, amended to read as follows, to-wit:

SECTION 1. That the pay of members of the General Assembly shall be five dollars a day, while in actual attendance, or absent by leave, or on business of the General Assembly, or unable to attend from sickness, and five dollars for every twenty-five miles they may travel from their usual place of residence, to the seat of government and back, by the most direct and traveled route.

How amended.
Pay of members
of General As-
sembly.

Mileage.

That section 2, which reads as follows:

"Section 2. Each House of the General Assembly shall, by *viva voce* vote, elect the following officers: The Senate, one Principal Secretary and one Assistant Secretary; the House, one Principal Clerk and one Assistant Clerk, and one Doorkeeper, who shall, from time to time, have such assistants as their respective Houses shall, by resolution permit or direct, and the pay of the above named officers shall be three dollars per day during their attendance upon the General Assembly," be, and the same is hereby, amended to read as follows, to-wit:

Sec. 2 amended.

SEC. 2. Each House shall, by *viva voce* vote, elect the following officers: The Senate, one Principal Secretary, and one Assistant Secretary, and one Doorkeeper. The House, one Principal Clerk, and one Assistant Clerk, and one Doorkeeper, who shall, from time to time, have such assistants as their respective Houses shall by resolution permit or direct. And the pay of the above named officers, shall be four dollars per day during their actual attendance upon the General Assembly.

How amended.
Each House to
elect officers—
what.

Officers' pay.

SEC. 3. It is declared that an emergency exists for the immediate taking effect of this act, therefore, the same shall be in force from and after its passage.

Emergency de-
clared.

CHAPTER XX.

AN ACT to authorize, regulate, and confirm the sale of railroads, to enable purchasers of the same to form corporations and to exercise corporate powers, and to define their rights, powers, and privileges; to enable such corporations to purchase and construct connecting and branch roads, and to operate and maintain the same.

[APPROVED MARCH 3, 1865.]

Railroads partly in this State and partly in another State, and embraced in the same deeds of trusts or mortgages, may be sold at one time by order of court.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in case of the sale of any railroad and its property, under or by the authority of any competent court or courts, part of which railroad may be situate within the State of Indiana, and part situate in an adjoining State, and embraced in the mortgage or mortgages, deed or deeds of trust, may be sold at one time and place, as an entirety, at such point on the line of said railroad, either within or without the State, and upon such notice as the court or courts ordering such sale may direct.

Railroad partly within this State and partly within another State, and sold by order of Court upon foreclosure or otherwise, the purchaser, &c., may form corporation.

SEC. 2. In case of the sale of any railroad and its property, situated wholly or partly within this State, or situated partly in this State and partly in an adjoining State, by virtue of any mortgage or mortgages, deed or deeds of trust, either by foreclosure, or other judicial proceedings, or pursuant to any power contained in such mortgage or mortgages, deed or deeds of trust, or by the joint exercises of said powers and authorities the purchaser, or purchasers thereof, their survivor, or survivors, or he or his, or they or their, associates or assigns, may form a corporation by filing in the office of the Secretary of State a certificate specifying the name and style of the corporation, the number of Directors, the names of the first Directors and the period of their service, not exceeding one year, the amount of original capital, and the number of shares into which said capital is to be divided, and the persons signing said certificate, and their successors, shall be a body corporate and politic, by the name in said certificate specified, with power to sue and be sued, contract and be contracted with, and maintain and operate the railroad in said certificate named, and transact all business connected with the same, and a copy of such certificate, attested by the signature of the Secretary of State, or his deputy, shall, in all courts and places, be evidence of the due organization and existence of the said corporation, and of the matters in said certificate stated.

To file certificate in the office of Secretary of State. What certificate shall specify.

Shall be a body corporate.

Copy of certificate attested by Secretary of State to be evidence.

Privileges and immunities of corporation.

SEC. 3. Such corporation shall possess all the powers,

rights, privileges, immunities and franchises, in respect to said railroad, or the part thereof purchased, as aforesaid, and of all of the real and personal property appertaining to the same, which were possessed or enjoyed by the corporation that owned or held the said railroad previous to such sale by virtue of its charter and amendments thereto, and other laws of this State, or of any State in which any part of said railroad is situate, not inconsistent with the laws of this State, and shall have power, at any time after the formation of the corporation, as aforesaid, to assume any debts and liabilities of the former corporation, and to make such adjustment and settlements with any stockholder or stockholders, creditor or creditors of such former corporation, as may be deemed expedient, and, for such purpose, to use such portions of the bonds and stock of said corporation as may be deemed advisable, and in such manner as said corporation may deem proper.

Provided, That all subscribers to the original stock of said railroad companies, their heirs, executors, and administrators, shall, by the acceptance or adoption of this act, by any purchaser or purchasers of any such railroad, as above provided, be released and discharged from all their unpaid subscriptions, which shall not have been previously settled or arranged by agreement or compromise; *and provided further*, that all holders of such capital stock, which shall have been paid up, and all creditors of any such railroad companies shall have the right to accept and avail themselves of any trusts, agreements and provisions for recapitulation, for and during the period of six months from and after the passage of this act; *and provided further*, that such corporation, when so formed and organized, shall, in suing and being sued, and in operating such railroad, be subject to the general laws of this State, not inconsistent with the original charter of said road, and the amendments thereto.

SEC. 4. Said corporation shall have power to make and issue bonds bearing such rates of interest, not exceeding seven per cent. per annum, payable at such times and places, and in such amount or amounts as it may deem expedient; and to sell and dispose of said bonds, at such prices, and in such manner, as it may deem proper, and to secure the payment of any bonds which it may make, issue or assume, to pay, by mortgage or mortgages, deed or deeds of trust of its railroad, or any part thereof, and its real and personal property and franchises, to act as a corporation, and all of which property of said corporation included in such mortgage or mortgages, deed or deeds of trust, whether then held or thereafter acquired, shall be subject to the operation and line of such mortgage or mortgages, deed or deeds of trust; and in case of sale under the same, shall pass to, and become vested in, the purchaser or purchasers thereof, so as to enable them

to form a corporation in the manner herein prescribed, and vest in such corporation all the faculties, powers, authorities, immunities and franchises conferred by this act.

May establish sinking funds and issue capital stock.

May make preferred stock and establish preference in respect to dividends.

May confer the right to vote on holders of bonds.

Right to vote once fixed to pass with bonds, not to subject holder to assessment for debts.

Corporation may exercise same rights within other States.

Railroad partly within and partly without this State becoming vested in a corporation in another State, may enjoy same privileges in this State.

Railroad company incorporated under this act may purchase other roads, &c., crossing railroad.

SEC. 5. And the said corporation shall have power to establish sinking funds for the payment of its liabilities, and to issue capital stock to such aggregate amount as may be deemed necessary, not exceeding the amount named in the certificate of organization, and may make preferred stock, make and establish preference in respect to dividends in favor of one or more classes of stock over and above other classes, and secure the same, in such order and manner, and to such extent, as said corporation may deem expedient, and may confer upon the holders of any of the bonds which it may issue or assume to pay, the right to vote at all meetings of stockholders, not exceeding one vote for each one hundred dollars of the par amount of said bonds, if deemed expedient, which right to vote, when once fixed, shall attach to and pass with said bonds, under such regulations as said corporation may prescribe, but shall not subject the holder to any assessment made by said company or to any liability for its debts, or entitle any holder thereof to dividends; and the said corporation shall have capacity to hold, enjoy and exercise, within other States, the aforesaid faculties, powers, rights, franchises and immunities, and such others as may be conferred upon it by any law of this State, or of any other State in which any portion of its railroad may be situate, or in which it may transact any part of its business; and to hold meetings of stockholders, and of its Board of Directors, and to do all corporate acts and things without this State as validly, and to the same extent, as it may do the same within the State, on the line of such roads, and to make by-laws, rules and regulations, in relation to its business, and the number of its Directors, and the times and places of holding meetings of Stockholders and Directors, and the same to alter and change as may be deemed expedient.

SEC. 6. In case a portion situated within this State of any railroad, a part of which is situated in another State, shall become vested in a corporation of another State, the said corporation may exercise and enjoy within this State, and also in such other States, for the purposes of such railroad and its business, all of the rights, powers, faculties, franchises and privileges, in this act contained, and its mortgages and trust deeds shall operate and be binding as therein specified, and all sales under the same shall be valid and effectual.

SEC. 7. Any railroad company incorporated under the provisions of this act, shall have the power and authority to acquire, by purchase or contract, the road, road bed, real and personal property, rights and franchises, of any other railroad

corporation or corporations which may cross or intersect the line of such railroad company, or any part of the same, or the use and enjoyment thereof, in whole or in part, and may also purchase or contract for the use and enjoyment, in whole or in part, of any railroad or railroads, lying within adjoining States, may assume such of the debts and liabilities of such corporations as may be deemed proper; and upon purchasing any such railroad or railroads, all the real and personal property of such corporations, so purchased, and also the rights, powers and franchises of the same, shall become vested in the railroad company so purchasing the same, together with all the rights, powers, privileges and franchises conferred by the charter of the roads so purchased and all amendments thereto and the provisions of this act, and the company so purchasing or acquiring the title to, or use of such railroad or railroads shall have power to complete, maintain and operate the same. Any railroad company incorporated under the provisions of this act, shall also have power to consolidate with other railroad corporations in the continuous line, either within or without this State, upon such terms as may be agreed upon by the corporations owning the same; and also shall have the power and authority to construct, equip, maintain and operate branch railroads leading from the main line or from the termini of such railroad, from and to such points, with this State or any adjoining State, as may be deemed expedient, and in constructing the same shall have the right to enter in, and upon all lands, to survey routes, receive donations of lands or moneys, purchase and condemn lands required for the use of the road, lay single or double tracks, to cross all water courses and public highways, not unnecessarily obstructing the same, and in condemning lands for the use of such roads shall have all of the rights and powers conferred upon such corporations by their charters, and amendments and the general laws of this State, and all railroads purchased, and branch roads constructed as aforesaid, shall be vested in and become a part of the property of the corporation so purchasing or constructing the same, as aforesaid, and shall be in all things governed by the laws, rules and regulations governing the corporation, purchasing or constructing the same as aforesaid, and be operated as part of its line of road upon purchasing or constructing any railroad as hereinbefore provided, the corporation purchasing or constructing the same, shall have power and authority to issue new stock to such extent as may be considered advisable, and the same to dispose of, as hereinbefore provided, and to issue and sell bonds to such extent as may be deemed expedient, and to secure the same by mortgages and deeds of trust upon all the real and personal property, rights, powers and franchises of any railroad so purchased,

May consolidate
with other rail-
roads.

May have
branch rail-
roads.

May enter on
lands to survey
routes, &c., may
condemn lands
for right of way.

Proviso.

constructed or in course of construction as hereinbefore provided: *Provided*, That the provisions of this act shall not be so construed as to authorize any railroad company organizing under the same, to consolidate with or acquire by contract or purchase the road, road bed, real and personal property, rights and franchises of any railroad, already built, equipped and operated within the State of Indiana and which may cross or intersect the line of the road of any company organized under this act; but the powers of consolidation and purchase shall be and is hereby limited and restricted to such roads within the State of Indiana, as may cross and intersect the same and which have not been equipped and operated in whole or in part.

Emergency declared.

SEC. 8. Whereas an emergency exists for the immediate taking effect of this act, and the same is hereby declared to be in force from and after its passage.

CHAPTER XXI.

AN ACT to amend section 5 of an act, entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

[APPROVED MARCH 3, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section five of an act, entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," which reads as follows, to-wit:

Section 5 recited

Section 5. The Sheriffs' fees shall be as follows, to-wit:

For serving a writ and taking into custody, fifty cents.

For every mile traveled in going and returning to serve process, five cents.

Taking bail, twenty-five cents.

Taking recognizance and drawing it up in form, fifty cents.

Returning every writ, ten cents.

Summoning a jury, (with mileage above,) seventy-five cents.

Executing a writ of possession, one dollar.

Calling a jury in each cause, ten cents.

For every person committed to jail, fifty cents.

Discharging every person out of jail, forty cents.

Holding an inquisition, drawing up and returning the same, one dollar and fifty cents.

Serving a summons, thirty cents.

Attending a prisoner before a judge, when surrendered by his bail and receiving the prisoner into custody, fifty cents.

Boarding each prisoner per day, fifty cents.

Selling property on execution, a commission of five per centum on the first three hundred dollars, and two per centum on any excess above that amount; but when the money is paid to him without sale, one half commission only shall be allowed.

Taking a valuation of lands, seventy-five cents.

Taking a replevin bond, seventy-five cents.

Serving a *capias ad satisfaciendum*, one dollar.

Levying on property and advertising the same without sale, one dollar.

Mileage as above, when no money is made, and no other fee or reward shall be allowed on executions, except for the expense of keeping property.

Making a deed of sale of real estate on execution, two dollars.

Serving a writ of attachment, fifty cents.

Returning writ of attachment, twenty-five cents.

Sheriffs shall not be entitled to any fees for service performed by their bailiffs, when such bailiffs are receiving pay by the day from the county at the time such services are rendered.

For postage paid on letters received from, or directed to, the Clerk of the Supreme Court, inclosing process issued by said court, the amount thereof to be returned as an item of charge.

When the Sheriff is provided by the County Commissioners with a dwelling room in the building containing the jail, he shall not be allowed exceeding forty cents per day for boarding each prisoner.

In criminal cases not provided for, the like fees as for services in civil cases.

For collecting fee bills six per centum on the amount thereof.

For taking convict to the State prison, and all expenses incident to the same, per mile, for going and returning, to be paid out of the State Treasury, fifteen cents.

For each additional convict taken at the same time, per mile, ten cents.

For taking a prisoner to another county, such fee as the board doing county business in the county whence the prisoner was taken, may, in their discretion, allow out of the funds of said county.

For each commitment and discharge of a prisoner, under any city authority, twenty cents.

Clerks and Sheriffs shall be entitled to receive such reasonable allowance for extra services as the Board of County Commissioners may think right and proper, to be paid out of the county treasury, shall be amended to read as follows.

SEC. 5. The Sheriff's fees shall be as follows, to-wit:

For serving a writ and taking into custody, fifty cents.

For every mile necessarily traveled in going and returning to serve process, ten cents.

Taking bail, twenty-five cents.

Taking recognizance and drawing it up in form, fifty cents.

Returning every writ, ten cents.

In summoning a jury, fifty cents for each person named in the service and mileage as above.

Executing a writ of possession, one dollar.

Calling a jury in each cause, ten cents.

For every person committed to jail, fifty cents.

Discharging every person out of jail, forty cents.

Holding an inquisition, drawing up and returning the same, one dollar and fifty cents.

Amended section.
Sheriff's fees.

Serving a summons, fifty cents.

Attending a prisoner before a judge when surrendered by his bail, and receiving the prisoner into custody, fifty cents.

Boarding each prisoner per day, seventy-five cents.

Selling property on execution, a commission of five per centum on the first three hundred dollars, and two per centum on any excess above that amount; but when the money is paid to him without sale, one-half commission only shall be allowed.

Taking a valuation of lands, seventy-five cents.

Taking a replevin bond, seventy-five cents.

Serving a *capias ad satisfaciendum*, one dollar.

Levying on property, and advertising the same without sale, one dollar. And, also, the necessary printer's bill.

Mileage as above, when no money is made, and no other fee or reward shall be allowed on executions, except for the expense of keeping property.

Making a deed of sale of real estate on execution, two dollars.

Serving a writ of attachment, fifty cents.

Returning writ of attachment, twenty-five cents.

Sheriffs shall not be entitled to any fees for services performed by their bailiffs, when such bailiffs are receiving pay by the day from the county, at the time such services are rendered.

For postage paid on letters received from, or directed to, the Clerk of the Supreme Court, inclosing process issued by said court, the amount thereof to be returned as an item of charge.

When the Sheriff is provided by the County Commissioners with a dwelling room in the building containing the jail, he shall not be allowed exceeding, per day, for each prisoner, seventy-five cents.

In criminal cases not provided for, the like fees as for services in civil cases

For collecting fee bills, six per centum on the amount thereof.

For taking a prisoner to another county, such fee as the Board doing county business in the county whence the prisoner was taken, may, in their discretion, allow out of the funds of said county.

For each commitment and discharge for a prisoner under any city authority, twenty cents.

Clerks and Sheriffs shall be entitled to receive such reasonable allowance for extra services as the Board of County Commissioners may think right and proper to be paid out of the county treasury.

For attending court per day, three dollars.

Extra Allowances of Clerks and Sheriffs.

SEC. 2. An emergency is hereby declared to exist for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Emergency declared.

CHAPTER XXII.

AN ACT in relation to the sale of real estate at private sale by Executors, Administrators, and Guardians, in certain cases.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases in which any tract or parcel, [of land,] or any interest or estate in any real estate, not exceeding in value the sum of one thousand dollars, shall be ordered to be sold at private sale, by any executor or administrator, under the order of any court of competent jurisdiction, it shall be lawful for such court, in its discretion, to authorize the same to be sold without notice of the time, place, and conditions of such sale, as in other cases, if it shall appear to such court the interests of the testator's or intestate's estate will be promoted by dispensing with such notice.

In what cases Courts may order land to be sold without giving notice of sale.

SEC. 2. That the provisions of the foregoing section shall apply to sales of real estate, or of any interest therein, when made by guardians at private sale, under the order of any competent court, as aforesaid.

Provisions of foregoing section to apply to sale of real estate by guardians.

CHAPTER XXIII.

AN ACT to raise revenue for State purposes, for the years one thousand eight hundred and sixty-five and one thousand eight hundred and sixty-six.

[APPROVED MARCH 2, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That a tax for State purposes of twenty-five cents on each one hundred dollars of the value of all property entered for taxation in the general lists of taxables, and seventy-five cents upon each poll subject by law to tax-

Tax for State purposes.

ation, shall be and the same is hereby authorized and directed to be levied for the current year, one thousand eight hundred and sixty-five, and which shall be assessed, levied and collected according to law.

Same.

SEC. 2. *Be it further enacted*, That a tax for State purposes of twenty-five cents on each one hundred dollars of the value of all property entered for taxation in the general lists of taxables, and seventy-five cents upon each poll subject by law to taxation, shall be and is hereby authorized and directed to be levied for the year one thousand eight hundred and sixty-six, and which shall be assessed, levied and collected according to law.

Emergency declared.

SEC. 3. *Whereas*, In the opinion of this General Assembly, an emergency exists for the immediate taking effect of this act, to the end that the several County Auditors may in due time be certified of their duty in respect hereof, therefore,

When to take effect.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force from and after its passage, and filing in the office of the Secretary of State. And it is hereby made the duty of the Secretary of State to have this act published, and to forward certified copies of the same to the Auditors of the several Counties in this State, without delay.

NOTE.—This act was filed in the Office of Secretary of State, March 2, 1865.

CHAPTER XXIV.

AN ACT fixing the time of holding the Courts in the Third Judicial Circuit.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the terms of the Courts in the Third Judicial Circuit shall be held as follows :

Time of holding
Gibson Circuit
Court.
Knox.

In the County of Gibson, on the fourth Mondays of January and July.

In the county of Knox, on the Mondays succeeding the Courts in the county of Gibson.

Daviess.

In the county of Daviess, on the Mondays succeeding the Courts in the county of Knox.

Martin.

In the county of Martin, on the Mondays succeeding the Courts in the county of Daviess.

In the county of Pike, on the Mondays succeeding the Pike.
Courts in the county of Martin.

And in the county of Dubois, on the Mondays succeeding Dubois.
the Courts in the county of Pike.

Said Courts shall be held in Martin, Pike and Dubois, each Length of terms
one week; in Gibson and Daviess counties, two weeks each, of Martin, Pike
and Dubois one
and in the county of Knox, three weeks, if the business week.
Gibson and Da-
viess two weeks.
Knox three
therein require it. weeks.
Repealing
clause.

SEC. 2. All acts and parts of acts, inconsistent with this
act, be, and the same are hereby repealed.

CHAPTER XXV.

AN ACT to legalize and declare valid and effectual all the orders,
judgments, and other proceedings made, rendered, and had by
and before the Court of Common Pleas, of Dearborn County, in
this State; held in the Court-house of said county, in the month
of February, in the year one thousand eight hundred and sixty-
five, and, then and there, by and before the several judges of the
said court.

[APPROVED MARCH 4, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the* Orders, judg-
State of Indiana, That all the orders, judgments, and other ments and other
proceedings, made, rendered, and had by and before the proceedings in
Court of Common Pleas of Dearborn county, in the State of Dearborn coun-
Indiana, held in the Court-house of said county, in the city ty Common
of Lawrenceburg, in said county, on and from the thirteenth Pleas Court le-
day of February, until and on the twenty-fifth day of Feb- galized.
ruary, both the first and last named days inclusively, in the
year one thousand eight hundred and sixty-five; and, then
and there, by and before the special judges appointed to hold
the said court, as well as by and before the regular judge of
the said court, be and the same are hereby legalized and
declared valid and effectual, in all respects, as though the said
court was, then and there, legally held, and as though the
said special judges were, then and there, legally appointed
and acting.

SEC. 2. An emergency for the immediate taking effect of this act is hereby declared to exist, and this act shall take
effect and be in force from and after its passage. Emergency
declared.

CHAPTER XXVI.

AN ACT for the relief of persons who have paid certain claims to the State, or to the proper officer, under color of judicial proceedings, and to subrogate such persons to rights of the State.

[APPROVED MARCH 6, 1865.]

In what case party may be subrogated.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever any person has paid to any District or Prosecuting Attorney, or to the Clerk of the Court, or Sheriff, under color of judicial proceedings in attachment or garnishment, at the suit of the State, the amount of any forfeited recognizance, the person or persons so paying shall, from the date of such payment, be subrogated, as against the recognitors in such recognizance, to all the rights of the State under such recognizance, and shall have a cause of action against such recognitors for the amount so paid, as if such recognizance, and all the rights of the State, under the same, had been assigned by the State to the person or persons so paying, at the date of such payment.

Shall have cause of action against recognitors.

When District or Prosecuting Attorneys shall be made a party.

SEC. 2. Whenever any claim or claims to which any person is subrogated, under the first section of this act, shall be sought to be enforced by any action or legal proceedings, the proper District or Prosecuting Attorney shall be made a party to the action or proceedings, to answer as to the fact of such payment, and to protect the interests of the State in such action or proceedings: *Provided*, That nothing in this act contained shall, in any event, create any liability or authorize judgment against the State, or render the State or such attorney, liable for any costs in such action or proceedings.

Proviso.

Emergency declared.

SEC. 3. An emergency is hereby declared to exist for the immediate taking effect of this act, therefore it shall take effect and be in force from and after its passage.

CHAPTER XXVII.

AN ACT to authorize the State Treasurer to refund to Winslow, Lanier & Co., monies paid by them, by request of the Governor, as interest on State Bonds, with interest on amounts so paid, and declaring an emergency.

[APPROVED JANUARY 31, 1865.]

WHEREAS, The State of Indiana failed to pay the interest on the State debt in the usual way: Preamble.

AND WHEREAS, At the request of the Governor of this State, and for the purpose of preserving the good faith and credit of the State, Messrs. Winslow, Lanier & Co., of the city of New York, have paid the interest falling due upon the stocks of this State, on and after the first day of July, 1863, so far as the holders of such stocks have applied to them for such payment; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Matthew L. Brett, Treasurer of the State of Indiana, upon the presentation of the proper receipts for the interest paid on the Stocks of the State of Indiana by said Winslow, Lanier & Co., is hereby directed to pay the same to said Winslow, Lanier & Co., with interest on the same from the date of the deposit, to meet said interest, until the time of repayment, at the rate of seven (7) per cent. per annum. Treasurer of State to refund to Winslow, Lanier & Co., amount of interest paid on stocks.

SEC. 2. Whereas, an emergency exists for the immediate taking effect hereof, this act is declared to be in force from and after its passage and filing in the office of the Secretary of State. Emergency declared.

NOTE.—The above act was filed in the Office of the Secretary of State January 31st, 1865.

CHAPTER XXVIII.

AN ACT fixing the times of holding courts in the 12th Judicial Circuit.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the Circuit Court in the County of White shall be holden on the first Mondays in March and September in each year. Time of holding White Circuit Court.

Newton.	In the County of Newton on the second Monday succeeding the court in White.
Jasper.	In the County of Jasper on the Monday succeeding the courts in Newton.
Benton.	In the County of Benton on the Monday succeeding the courts in Jasper.
Tippecanoe.	And in the County of Tippecanoe on the Monday succeeding the courts in Benton.
Length of terms of Newton, Jasper and Benton.	And the courts in the County[ies] of Newton, Jasper, and Benton shall sit, at each term, one week, if the business thereof shall require.
Length of term of White.	The court in the County of White shall sit two weeks, if the business thereof shall require it.
Length of term of Tippecanoe.	And the court in the County of Tippecanoe shall sit so long as the business thereof shall require.
When pleas, plaints and writs returnable.	All pleas, plaints, writs and suits pending in said courts shall be made returnable in said courts at the time above specified.
Emergency declared.	SEC. 2. Whereas, an emergency exists for the taking effect of this act immediately, by reason of the near approach of said courts, therefore this act shall take effect and be in force from and after its passage.

CHAPTER XXIX.

AN ACT to enable the Board of Trustees of incorporated towns to authorize the use of portions of streets for shade and ornamental purposes.

[APPROVED MARCH 6, 1865.]

Board of Trustees of towns may order shade trees and shrubbery to be planted.	SECTION 1. <i>Be it enacted by the General Assembly of the State of Indiana,</i> That the Board of Trustees of any incorporated town shall have power, with the consent of persons owning more than one-half of the lots along any street, counting by lineal feet of street front, to authorize all persons owning or occupying such lots, to enclose portions of the street in front of their lots, and to occupy the same for shade and ornamental purposes, but not for buildings or permanent structures, and not so as to reduce the street and sidewalks below the width of sixty feet.
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CHAPTER XXX.

AN ACT to amend the 25th section of an act entitled an act defining felonies, and prescribing punishment therefor, approved June 10, 1852.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 25th of the above entitled act, which is as follows, viz :

"Every person who shall alter the mark or brands of the horse, mare, gelding, ass, mule, sheep, goat, neat cattle, or hog of another, or mark or brand any such animal, with intent to steal the same, if the value of the animal so marked be five dollars or upwards, shall be subject to the punishment inflicted on those guilty of grand larceny; and if the value of such animal be less than five dollars, such person shall be subject to the punishment inflicted on those guilty of petit larceny," is hereby amended so as to read as follows: Sec. amended.

SECTION 25. Every person who shall maliciously alter the mark or brands of any horse, mare, gelding, ass, mule, sheep, goat, cattle, or hog of another, or mark or brand any such animal, with intent to steal the same, or maliciously poison any such animals, if the value of the animals so poisoned or marked be five dollars or upwards, shall be subject to the punishment inflicted on those guilty of grand larceny; and if the value of such animal be less than five dollars, such person shall be subject to the punishment inflicted on those guilty of petit larceny. How amended.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act; therefore this act shall be in force from and after its passage. Felonies in certain cases.
Punishment for petit larceny.
Emergency declared.

CHAPTER XXXI.

AN ACT fixing the compensation of Township Assessors.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the rate of compensation of Township Assessors for services rendered after the first day of January Assessors compensation \$2.50 per day.

of the present, year shall be two dollars and fifty cents for each day of service.

Acts repealed. SEC. 2. All former acts so far as they fix any compensation for said officers are hereby repealed.

CHAPTER XXXII.

AN ACT to amend section 9 of an act entitled, "an act to fix the the times of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859.

[APPROVED FEBRUARY 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 9 of the above entitled act, which reads as follows, to-wit:

Sec. amended.	Section 9. In Owen county, on the first Mondays in January, May and September; In Greene county, on the third Mondays in January, May and September; In the county of Putnam, on the Mondays succeeding the Courts in the county of Greene; And in the county of Clay, on the Mondays succeeding the Courts in the county of Putnam; And the terms of said Courts if the business requires it, shall be, in Owen, Greene and Clay, two weeks each, and in Putnam, three weeks; be amended to read as follows:
How amended. Owen county.	SEC. 9. In Owen county, on the first Mondays in January, May and September;
Greene.	In Greene county, on the third Mondays in January, May and September;
Putnam.	In the county of Putnam, on the second Mondays of February and June, and the fourth Monday in October;
Clay.	In the county of Clay, on the Mondays succeeding the the Courts in the county of Putnam;
Terms in Owen, Clay and Greene three weeks each. Proviso.	And the terms of said Court, if the business require it, shall be, in Owen, Clay and Greene counties, two weeks each, and in Putnam county, three weeks: <i>Provided, however</i> , That the term of the Court in Putnam county may continue four weeks at the June term, if the business shall require it.
Act repealed.	SEC. 2. That all laws or parts of laws which come in conflict with the foregoing are hereby repealed.

SEC. 3. Whereas, there is a conflict in the times of holding the Circuit and Common Pleas Courts in this District, an emergency exists for the immediate taking effect of this act, it shall therefore take effect and be in force from and after its passage.

Emergency declared.

CHAPTER XXXIII.

AN ACT to amend sections 4 and 8 of an act entitled "an act for the incorporation of the town of Knightstown, Henry County, Indiana," approved February 2, 1837.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section four of the above-entitled act, which reads as follows, viz:

"That the said President and Trustees, or a majority of them, shall have power to lay off said town into as many wards as they may deem necessary, and on the first Monday in March, A. D. 1837, and annually thereafter, there shall be an election held at some convenient place in said town, to be designated by the said President and Trustees for corporation, at which election each white male inhabitant of said town, who shall have the qualifications of a voter for State and County officers, and shall have resided within the bounds of the said corporation, three months next preceding said election, shall be entitled to a vote at the same: ten days' previous notice of which election shall be given by the President and Trustees aforesaid, by publishing the same in some newspaper printed in said town, (if there be one,) otherwise by putting up written notices thereof, in three of the most public places in said town, designating the time and place, when and where said elections are to be holden,"—be amended to read as follows:

Sec. 4 recited.

SEC. 4. That the Mayor and Trustees, or a majority of them, shall have power to lay off said town into as many wards as they may deem necessary, and on the 1st Monday of March, 1865, and annually thereafter, there shall be an election held at some convenient place in said town, to be designated by said Mayor and Trustees, to elect one Trustee for each ward in said corporation, and one Mayor for said corporation; at which election each white male inhabitant of said town who shall have the qualifications of a voter for State and County officers, and who resides within the bounds of said corporation, shall be entitled to vote at the same; ten days' previous notice of which election shall be given by the Mayor and Trustees aforesaid, by publishing the same in some

Amended sec.
Powers of mayor
and trustees.

When and where
election to be
held.

No. of trustees
to be elected.

Who entitled to
vote at elections.

Notice of elec-
tion.
How given.

Duty and powers of Mayor.

newspaper printed in said town, (if there be one,) otherwise by putting up written notices thereof, in three of the most public places in said town, designating the time, and place, and where said elections are held; and the said Mayor, when elected, shall perform all the duties, and shall have all powers and jurisdiction of a Mayor of any city incorporated under the general law for the incorporation of cities, as set forth in an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matter as properly pertain thereto, approved March 9, 1857," and under all amendments thereto; that said Mayor shall perform all duties required of the President of the said Board of Trustees of said incorporation of Knightstown, and that all parts of said act incorporating the said town of Knightstown in conflict with this act be, and the same are hereby repealed.

Parts of acts of 1857, in conflict with this act, repealed.

SEC. 2. *Be it further enacted*, That section eight of said act, which reads as follows, viz :

Sec. 8 recited.

"The President and Trustees shall have power to levy annually, and collect a tax, on real property, not to exceed one per cent. on its valuation, exclusive of improvements; and on all shows, exhibitions or amusements, which may be exhibited for gain, not less than three, nor more than ten dollars for each exhibition, and may levy a tax on any specific article or articles of personal property, and in addition to the above, the said President and Trustees may levy and collect a tax on real property not exceeding one-half per cent. on its valuation, either including or excluding improvements, at the discretion of the said President and Trustees, for the purpose of purchasing a fire engine,"—be amended to read as follows:

Sec. amended.

Tax on real estate.

Tax on shows, &c.

Tax for fire engine. Emergency declared.

SEC. 8. That the Mayor and Trustees shall have power to levy annually, and collect, a tax on real property, not to exceed one per cent. on its valuation, inclusive of improvements, and on all shows, exhibitions, or amusements, which may be exhibited for gain, not less than one, nor more than fifteen dollars for each exhibition, and may levy a tax on any specific article or articles of personal property, and in addition to the above, the said Mayor and Trustees may levy and collect a tax on real and personal property of one-half of one per cent. on its valuation, for the purpose of purchasing a fire engine.

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act; it shall, therefore, be in force from and after its passage.

CHAPTER XXXIV.

AN ACT to amend sections 7, 9 and 20 of an act to provide against the consequences ensuing, or likely to ensue, from the destruction of books, pamphlets, papers, records, or other writings, of any county in this State, or any Circuit, Probate, Commissioners, or other inferior courts of record therein, or filed with or in the legal custody of any officer of any county in this State, and to provide for the perpetuation of testimony relative to the same; and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators, and guardians have been destroyed, approved January 12, 1852.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That sec. 7 of said act which reads as follows, to wit:*

"Such proof shall consist of evidence of the deed and execution, and acknowledgment of such deed or other instrument of the date and contents of the same; of the facts that the same had been previously recorded in such office, and the time when it was so recorded or deposited for record, as nearly as the witness or witnesses may be able to state. But such Recorder, before examining any witness, shall require him to state on oath that he has no interest, direct or indirect, in perpetuating such testimony; which statement shall be incorporated in such record. Such Recorder shall be authorized to administer all oaths required by this, and the last preceding section of this act, and may himself be sworn as a witness by any person authorized to administer oaths," *Sec. recited.* be, and the same is hereby amended to read as follows, to-wit:

Such proof shall consist of the evidence of the deed and the execution and acknowledgement of such deed or other instrument, of the date and contents of the same—of the fact that the same had been previously recorded in such office, and the time when it was so recorded or deposited for record as nearly as the witnesses may be able to state. But such Recorder before examining any witness, shall cause him to state on oath, what interest, if any, he has in perpetuating such testimony, which statement shall be incorporated in such record; such Recorder shall be authorized to administer all oaths, required by this, and the last preceding section of this act, and may himself be sworn as a witness by any person authorized to administer oaths. *How amended. Proof to consist of what.* Recorder to cause witness to state on oath his interest in perpetuating title. Recorder may administer oaths.

SEC. 2. Section nine of such act, which reads as follows, to-wit:

Sec. recited.

"If the records on files of the Circuit, Probate, Commissioners, or other inferior courts of record in any county in this State, or the papers on file in the office of the Clerks of either; or such courts, or the bonds, notes, or other papers belonging to, or properly filed in the office of Treasurer, Auditor, Assessor, or other officer of any county in this State; or any, or either of them, have been, or shall be, in whole or in part, destroyed, the Board of Commissioners, when they shall have met, as in the first section of this act required, shall appoint a commissioner, who, after having taken an oath of office as such commissioner, shall forthwith proceed to discharge the duties hereinafter required of him," be, and the same is hereby amended to read as follows, to-wit:

How amended.

If the records or files of the Circuit, Probate, Common Pleas, Commissioners or other inferior court of record in any county in this State, or the papers on file in the office of the clerks of either of such courts or the bonds, notes or other papers belonging or properly filed in the office of the Treasurer, Auditor, Assessor, or other officer of any county in this State or any, or either of them, have been or shall in whole or in part be destroyed, the Board of Commissioners when they shall have met as in the first section of this act required, shall appoint a commissioner, who after having taken an oath of office as such commissioner, shall forthwith proceed to discharge the duties hereinafter required of him.

Board of Commissioners to appoint a commissioner when.

Duties of commissioner.

SEC. 3. Section twenty of an act which reads as follows, to-wit:

Sec. recited.

"Any Circuit, Probate, or other inferior court of record, held in any county in this State, the records whereof have been or may be destroyed, in whole or in part, may, in term time, or at a special term or terms, held by the judge thereof, in his discretion, the holding of which term or terms is hereby authorized, on motion, cause to be reinstated on the record any judgment or decree, or record of the issue and return of any writ of execution or order of sale, or any restraining order or other interlocutory order or decree, before that time made or rendered in said court, or any recognizance, or other undertaking of record, the record whereof has been destroyed," be, and the same is hereby amended to read as follows, to-wit:

How amended.

When records of any court destroyed, court may reinstate judgment, decree, &c.

Any Circuit, Probate, Common Pleas or other inferior court of record, held in any county in this State, the records whereof have been, or may be destroyed, in whole or in part, may in term time, or at a special term or terms held by the Judge thereof in his discretion, the holding of which term or terms is hereby authorized, on motion, cause to be reinstated on the record, any judgment or decree or record of the issue and return of any writ or execution or order of sale or any restraining or other interlocutory order or decree before that time made or rendered in said court, or any recognizance or other undertaking of record, the record whereof has been destroyed.

Emergency declared.

SEC. 4. It is hereby declared that an emergency exists

for the immediate taking effect of this act. It is therefore hereby declared that this act shall be in force from and after its passage.

CHAPTER XXXV.

AN ACT to amend an act entitled "an act to amend section nineteen of an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, &c.," approved February 15, 1861.

[APPROVED FEBRUARY 14, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section one of an act entitled "an act to amend section nineteen of an act entitled an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, &c., approved February 15, 1861," which is in the following words, to-wit:

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That section nineteen of an act entitled "an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859, which is in the following words, to-wit:

In the county of Lagrange on the third Mondays in April, August and December. Act recited.

In the county of Steuben on the first Mondays in January, May and September.

In the county of De Kalb on the third Mondays in January, May and September.

In the county of Noble on the first Mondays in February, June and October.

In the county of Whitley on the third Mondays in February, June and October.

And the terms of said Court in said counties shall be two weeks each, if the business require it, be, and the same is hereby amended to read as follows, to-wit:

The said Courts of Common Pleas shall hold their terms in the county of Lagrange on the third Mondays in April, August and December.

In the county of Steuben on the first Mondays in January, May and September.

In the county of De Kalb on the third Mondays in January, May and September.

Amended act recited.
Court Common Pleas Lagrange county, Steuben.
De Kalb.

Noble. In the county of Noble on the first Mondays in February, June and October.

Whitley. And in the county of Whitley on the third Mondays in February, June and October, excepting for the year 1861; that during the year 1861 said courts in said Whitley County, shall commence and hold their terms on the first Monday in April, and the third Mondays in June and October; and at the expiration of said year 1861 said courts shall commence in said county on the third Mondays in February, June and October, as first hereinafter specified; and that all the terms of said court in said counties may continue two weeks at each term, if the business therein require it; and, further, that all writs of summons, subpoenas, venires, rules, orders of court, recognizances, publications and process of any kind whatever, made returnable to, or operative at, the February term of said court for said county of Whitley, for the year 1861, shall be, for that year, returnable by the proper persons to the April term herein above provided for; and all of said orders, publications, recognizances and rules shall be of full force and effect at said April term of said court, in all respects and for all purposes, the same as if originally made with reference to said April term"—be, and the same is hereby amended so as to read as follows, to wit:

How amended.
Lagrange.

SEC. 1. The said Courts of Common Pleas shall hold their terms in the county of Lagrange on the third Mondays in April, August and December.

Steuben.

In the county of Steuben on the first Mondays of January, May and September.

DeKalb.

In the county of De Kalb on the third Mondays in January, May and September.

Noble.

In the county of Noble on the first Mondays in February, June and October.

Whitley.

And in the county of Whitley on the second Monday in March and the third Mondays in June and October.

Terms to continue 2 weeks.

And that all the terms of said courts in said counties may continue two weeks at each term, if the business therein require it.

Act to take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XXXVI.

AN ACT to amend section number seventy-six of an act, entitled "an act defining misdemeanors, and prescribing punishment therefor," approved, June 14, 1852.

[APPROVED, FEBRUARY 14, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That section 76, of an act, entitled an*

act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852, which section reads as follows:

"Section 76. If any person shall pull off and carry away any corn growing on the stalk, or any fruit on the tree, pumpkins or melons on the vine, or any other annual product attached to the realty, or growing in the soil of the value of ten cents or upwards, he shall be fined not exceeding fifty dollars, and may be imprisoned not exceeding six months, and any person concerned in the commission of any such offence, shall be compelled to testify against the others;" be amended to read as follows:

Sec. recited.

SEC. 76. Any person who shall unlawfully go upon the lands of another, and any person who shall unlawfully pull off, or pull off and carry away any corn growing on the stalk, or any fruit on the tree, bush or plant, pumpkin or melon on the vine, or other annual product attached to the realty, or growing in the soil, of the value of ten cents, or upwards, the property of another, shall be fined in any sum not exceeding fifty dollars, to which may be added imprisonment in the county jail for any period not exceeding six months; and any person concerned in the commission of any such offence, may be compelled to testify against the others, but in such case shall be exempt from punishment himself for such offence.

Amended sec.
Penalty for violating this act.

Party compelled to testify exempt from punishment.

CHAPTER XXXVII.

AN ACT appointing Commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith.

[APPROVED FEBRUARY 25, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Auditor and Treasurer of State, and Calvin Fletcher, Sr., of the county of Marion, be and they are hereby appointed Commissioners with full power and authority to sell and convey lots numbered four (4), five (5), and six (6), of square numbered forty-seven (47) and lot numbered one (1) in block numbered sixty-eight (68), in the city of Indianapolis, Marion County, and State of Indiana, together with the appurtenances thereunto belonging or appertaining.

Aud. and Treas. of State and Calvin Fletcher, Sen., commissioners to sell certain real estate belonging to the State.

SEC. 2. The said Commissioners, after having given thirty days' notice of the time, place and terms of sale, by publi-

Commissioners to give notice and sell at public auction.

cation for thirty days successively in two daily newspapers, and three weeks successively in two weekly newspapers printed and published in the city of Indianapolis, shall sell at public auction, on said premises, for the best price bidden therefor, the said real estate, in whole or in subdivisions, as the said Commissioners may deem best.

Terms of sale.

SEC. 3. The terms of sale shall be such as may be deemed best for the interests of the State, by said Commissioners, and upon the compliance of the purchaser or purchasers therewith, the said Commissioners shall execute to him, her, or them a good and sufficient deed for the portion of said premises to which such purchaser or purchasers may be entitled.

Commissioners to execute deed.

To provide residence for the Governor.

SEC. 4. That said Commissioners be, and they are hereby authorized to provide a permanent and suitable residence for the Governor of the State of Indiana, and his successors in office, conveniently located, with grounds and buildings suitable to the dignity of the Executive authority of the State, and invest for such purpose so much of the proceeds arising from the sale of said real estate as they shall deem necessary: *Provided, however,* That the cost of the same shall not exceed the amount realized from the sale of the said real estate so authorized to be sold by them, and said Commissioners are authorized to provide a suitable residence for the Governor until a residence can be procured according to the terms of this act, or in lieu thereof, that they pay him a sum equal thereto, not exceeding five thousand dollars per annum. The Auditor of State in either case to draw his warrant on the Treasurer for the amount on the certificate of said Commissioners.

Proceeds of sale to be invested for that purpose.

To provide residence for Gov. until a residence can be purchased, or pay him a sum equal thereto, not exceeding \$5,000 per annum.

To pay surplus unto State Treasury.

SEC. 5. That in case the said Commissioners shall realize a greater amount from the sale of said real estate, than shall be required for the purpose aforesaid, they shall pay the same into the State Treasury, to be disposed of as may be provided by law.

Compensation of Commissioners.

SEC. 6. The said Commissioners shall be allowed such reasonable compensation for their services as the Governor shall deem just, to be paid out of any funds in the Treasury not otherwise appropriated, upon a certificate of allowance made by the Governor, which shall be filed with the Auditor of State, who shall draw a warrant upon the Treasurer for the same.

Emergency declared.

SEC. 7. It is hereby declared that an emergency exists, requiring this act to take effect and be in force from and after its passage, therefore this act shall be in force from and after its passage.

CHAPTER XXXVIII.

AN "ACT" to change the name of the Terre Haute and Richmond Railroad Company, and to give further time for the completion of the line of said road from Terre Haute to a point on the western line of the State of Indiana.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, As the "act" approved January 26th, 1847, entitled "an 'act' to incorporate the Terre Haute and Richmond Railroad Company, incorporating said company under the name of The President and Directors of the Terre Haute and Richmond Railroad Company, that the said name and style of said company, be, and the same is hereby, changed, and said company shall hereafter be known by the name and style of The Terre Haute and Indianapolis Railroad Company." All contracts, obligations of any kind whatever, and liabilities of every kind, heretofore entered into, or contracts in any manner, under the name of the Terre Haute and Richmond Railroad Company, or under the name of the President and Directors of the Terre Haute and Richmond Railroad Company, by said company shall remain in full force, notwithstanding the change in the corporate name herein provided for, so that the said company under the new name of the Terre Haute and Indianapolis Railroad Company shall have and possess all the rights and be subject to all the liabilities imposed by said act, entitled an act to incorporate the Terre Haute and Richmond Railroad Company, approved January 26th, 1847, and by virtue of the provisions of each and every act subsequently enacted amendatory of or in aid of said "act" incorporating said company, as fully as such rights, privileges, franchises and liabilities would have existed had the name and style of said company not been changed by this "act."

Changed to
"The Terre
Haute and Indi-
anapolis Rail-
road Company."
All contracts
heretofore made
in former name
of company to
remain in force.

SEC. 2. That as it is provided in section 19 of said act, in the following words: The corporation shall commence the continuation of said road any time within five years after the opening of the books, and from time to time, construct so much towards the point of destination, as may be within the ability and to the interest of the company, and shall complete it within fifteen years from its commencement: *Provided*, That if the road should not be completed within the time aforesaid, the General Assembly may, for good cause shown, give further time for its construction: *Provided*, Also, if any part of said road shall be completed within the time afore-

Comp'ny by new
name entitled to
all rights and
privileges under
act of incorpora-
tion.

said, in that case all the rights, privileges and benefits granted in this act, shall be extended to, and vested in said company to such part of said road as shall be completed: That as said company completed so much of said road as lies between Terre Haute and Indianapolis within the time authorized by the act incorporating said company, and as so much of the route or line of said road as lies between Indianapolis and Richmond was separated from the said Terre Haute and Richmond Railroad Company, and the same was completed by the Indiana Central Railway Company, under an act of the General Assembly of the State of Indiana, authorizing the same; and as said company have not completed so much of said line as lies between Terre Haute and a point on the western line of the State of Indiana, within the time prescribed, as neither public or private interests required its construction at the time the other portion was; that said company, under the name and style of the Terre Haute and Indianapolis Railroad Company, shall have seven years further time to complete their railroad to a point on the western line of the State of Indiana from Terre Haute.

Seven years further time to complete road.

CHAPTER XXXIX.

AN ACT entitled "an act to allow County Commissioners to organize turnpike companies where three-fifths of the persons representing the real estate within prescribed limits petition for the same, and to levy a tax for its construction, and provide for the same to be free."

[APPROVED MARCH 6, 1865.]

Persons owning more than three fifths of the real estate along line of proposed road, may, on petition to County Commissioners, be allowed to construct Macadamized, Plank, or Gravel Road,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any number of persons owning more than three-fifths of the amount of real estate, as shown by the books of the County Auditor, or counties, in which the proposed road is to be constructed, may make, by written petition to the Board of County Commissioners in which their realty is located; and if they show by the appraisement of their real estate, certified by the County Auditor of the county in which their realty is situated, that such persons represented over three-fifths of the real estate, three-fourths of one mile each side of the proposed macadamized, gravel or plank road—the persons making the application stating in writing, to the County Board, or counties, as the case may be, their desire to construct a macadamized, gravel, or plank road, giving the starting point, terminus, the distance in miles, the highway, as recorded as such, or the route in which

Must give starting point, terminus, and distance in miles the highway, as recorded.

they proposed to construct the said road; and if the County Commissioners shall deem the road of public utility, they shall grant the applicants the right of the highway petitioned for as the property of the association.

SEC. 2. The persons making the application, after receiving from the County Commissioners a permit according to this act, can organize themselves into a company, elect such officers, make by-laws and rules for their action as is lawful and proper, under the name they choose in their articles of association.

SEC. 3. All real estate outside of the corporate limits of any town or city, incorporated as such, three-fourths of a mile each side of the proposed road, shall be taxed to construct the said road in proportion to the appraisement of the realty that may be on the Auditor's books at the organization; each owner shall pay their proportion of the cost of the proposed turnpike, according to the amount of their assessment of real estate within the prescribed limits.

SEC. 4. The County Commissioners shall appoint a suitable person, after granting the petitioners power to organize as a road company, to estimate the grading, graveling, or planking, as the case may be, of the length of the proposed road, within the prescribed limits, as shown by the assessment from the books of the County Auditor, to audit the amount of each owner's tax, and place it in the hands of the County Treasurer, to be collected as other taxes; all such taxes to be paid over by the County Treasurer, upon the warrant of the County Auditor, who shall issue said warrant upon the demand of the Treasurer of said turnpike company [to] the Treasurer of the road company. The person so appointed shall take an oath to perform his duty, according to the best of his ability, and make out the cost of construction in two written statements—one for the company, the other for the County Auditor. From this estimate the Auditor shall make out each persons taxes.

SEC. 5. The amount of tax so assessed shall be for each person or owner, according to the value of their real estate within the prescribed limits, as shown by the assessment from the books of the County Auditor, to audit the amount of each owner's tax, and place it in the hands of the County Treasurer, to be collected as other taxes; all such taxes to be paid over by the County Treasurer, upon the warrant of the County Auditor, who shall issue said warrant upon the demand of the Treasurer of said turnpike company, the Treasurer of the road company to receipt for the same.

SEC. 6. The taxes assessed, according to the provisions of this act, shall be divided into three installments, one-third of the whole tax to be paid in one year, one-third in two years—each owner's proportional balance, whatever it may be, within three years from the day of filing the estimate of

Deemed of public utility Commissioners shall grant prayer of petition.

Persons making application, after receiving permit, may organize themselves into company, elect officers, make by-laws, &c.

Certain real estate to be taken for the construction of road.

After granting petitioners power to organize, county commissioners to appoint a suitable person to estimate the grading, &c. Person appointed to take oath. Costs to be made out in written statements, one for com'rs and one for Co. Aud. Aud'r. to make out person's taxes. County Treas'r. to collect tax as other taxes are collected.

Taxes to be paid over to County Treas. on warrant of Auditor.

Taxes divided into three installments.

Money subscribed benefit to accrue to all tax payers alike.

the cost of the road. Should any money be subscribed voluntarily, or shares taken by any person, with the consent of the association, the benefits to accrue to all tax-payers in proportion to the amount of their assessment; the estimate to be made by the County Auditor.

Each person to have certificate of stock to amt of money paid.

SEC. 7. Each person paying tax under the provisions of this act, in constructing a macadamized road, or taking shares, shall have, on payment, a certificate of stock to the amount of money paid, and have equal rights in proportion to the amount of stock, in officering and managing the affairs of the company. In case of transfer of stock, all rights follow the transfer.

Rights to follow trans. of stock.

Road to be five miles in length. When commenced and completed.

SEC. 8. No road made under this act, shall be less than five miles in length, and shall be commenced within two years from the day of permission to organize, and shall be completed within six years.

Number of Directors. How elected.

SEC. 9. Not less than three nor more than seven Directors shall be elected by the stockholders of every such corporation, who shall hold their office for one year, or until their successors are elected. Notice of first election shall be given by two weekly publications in a newspaper on or near the route of the road.

Directors may determine manner of construction.

SEC. 10. The Directors may determine the particular manner of construction so as to secure and maintain a smooth and permanent road, the track of which shall be made of plank, stone or gravel, or other hard material, or in such proportions of either as the Directors may deem expedient, so that the same shall form a hard and even surface.

When tolls may be collected and rates thereof.

SEC. 11. No tolls shall be exacted unless four miles of the road is finished and then the rate of tolls shall be, for every sled, sleigh, carriage or vehicle drawn by one horse, three cents per mile, and for every animal in addition thereto, one cent per mile; for every horse and rider or led horse, two cents per mile; for every score of sheep or swine, seven cents per mile, and in same ratio for a greater or less number; for every score of neat cattle, mules or asses, fifteen cents per mile, and in same ratio for a greater or less number; for every vehicle drawn by oxen, the same rate as is allowed on carriages drawn by horses. Persons going to or from funerals, or soldiers of the United States or of this State, while in actual service, or persons going to or from religious meetings upon the Sabbath day, shall be exempt from toll.

Who exempt from toll.

May fill vacancies in Board of Directors, make by-laws, &c.

SEC. 12. Such companies may fill vacancies in their Board of Directors at any time, and may publish all By-Laws deemed proper and consistent with the laws of the State, for the benefit of the company. Necessary rules as well as toll rates, shall be placed in full view in legible large letters at every toll house on such road. Any person violating any ordinance or by-law made by such company, shall

Rules and toll rates to be placed in view in legible large letters.

forfeit and pay to such company any sum not less than five nor more than fifty dollars, to be recovered before any Justice of the Peace in any county where the offender may be found.

Penalty for violating ordinance, &c.
How collected.

SEC. 13. Where the real estate of minors or insane persons, causes them to become interested parties, the guardian or administrator or executor, shall act for them, according to law.

Guardians, executors, and administrators to act in certain cases.

SEC. 14. The company shall have a right to appropriate any earth, timber, gravel or stone, belonging to any person, for construction of the road, by procuring and paying for the same in the manner prescribed by law.

What company may appropriate.

SEC. 15. The By-Laws of the association, shall, on the organization of the company, be recorded in the county record where the road is located.

Where by-laws recorded.

SEC. 16. Corporations formed under the provisions of this act, shall have a right to sue and be sued, and be subject to all the benefits and liabilities in actions at law, as other similar companies in this State.

Company may sue and be sued.

SEC. 17. If such companies shall suffer the road to be out of repair, to the hindrance or delay of travelers for any unreasonable length of time they shall have no right to collect tolls.

Penalty for allowing road to remain out of order.

SEC. 18. All gravel or Macadamized roads constructed under this act, shall be free within twenty years from the day of their organization.

Roads to be free when.

CHAPTER XL.

AN ACT for the relief of the families of soldiers, seamen, and marines, and sick and wounded Indiana soldiers in hospitals, in the State and United States service, and of those who have died or been disabled in such service, and prescribing the duties of certain officers therein named.

[APPROVED MARCH 4, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the relief and support of the sick and wounded soldiers in hospitals, and families of soldiers, seamen and marines, who now are, or may hereafter be, in the service of the State or United States, enlisted or drafted from this State, or have died or been disabled in the line of duty, there shall be levied and collected in each of the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, on all taxable property aforesaid, three mills on each dollar valuation, and one dollar on each taxable poll, for the purpose of supporting soldiers' families, and sick and wounded Indiana soldiers in hospitals.

Tax for 1865 and 1866, for the relief of soldiers and their families.

Auditor of State
to furnish
blanks.

SEC. 2. It shall be the duty of the Auditor of State, on the passage of this act, immediately to procure and forward to the Auditors of the several counties in this State suitable blanks, for the [purpose] of taking the enumeration of the families of all the soldiers, seamen and marines, who are then in, or who may hereafter be in, the service of the State or United States, or who have died or been disabled in said service, and designating, as far as practicable, in said enumeration and returns, the class to which they belong; and that \$100,000 of said fund be, and the same is hereby, appropriated in each of the years 1865 and 1866, under the control and direction of the Governor, for the relief of sick and wounded Indiana soldiers in hospitals.

Duty of Assessors.

SEC. 3. It shall be the duty of the Assessors to make the first return within fifteen days from the filing of the blanks by the Auditor of State in the office of County Auditors; the Assessor to be allowed such compensation for the first enumeration and return as the County Commissioners may fix, out of the general county fund; that the County Auditors shall make out their returns within five days from the time the Township Assessors have completed their returns, and the Auditor of State shall report his distribution within ten days from the reception of the last returns from County Auditors, to the County Auditor, who shall immediately convene the Board of Commissioners.

County Auditors duty.

Duty of Auditor of State.

Assessor to take enumeration of soldiers by name and return to Commissioners.

SEC. 4. It shall be the duty of the Assessors of the several townships in the counties in the State, when they are making the assessment of eighteen hundred and sixty-six, to take an enumeration by name of all soldiers, seamen and marines, who are then in the service of the State or United States, or who have died or been disabled in such service, from their several counties, being resident therein when entering said service, and also of those whose families are resident therein, having become residents of said county by removal into the same, and also designating any who were residents therein when entering the service, but whose families have since removed from said county, naming the company and regiment to which they belong, and make an accurate return, under oath, to the Commissioners of their respective counties, designating those who have families, and those who have not; and where there are families, the number, sex and ages of children under twelve years of age. It shall be the duty of said County Commissioners to receive the same, inserting such names as may have been omitted, and return such received enumeration to the Auditors of their respective counties on or before the fourth Monday of May, eighteen hundred and sixty-six. This act shall not apply to the families of any soldier, seamen or marine who is dishonorably discharged, or a deserter from the service.

Duty of County Commissioners.

SEC. 5. That it shall be the duty of the Auditors of the several counties to furnish the Assessors of their respective counties such blanks as may be necessary for taking the aforesaid enumeration, together with a list of the enumeration of their respective counties, returned in eighteen hundred and sixty-five and in eighteen hundred and sixty-six, and said Auditors shall, within twenty days after said enumeration is returned to them, make out and forward to the Auditor of State a statement showing the number of soldiers, seamen and marines in said enumeration.

Auditors to furnish Assessors blanks.

SEC. 6. It shall be the duty of the Auditor of State to open proper accounts with each county in the State, and apportion the funds so raised upon State levy, according to the enumeration and returns made to him by the several County Auditors, and pay over the same to the County Treasurer, at their semi-annual settlement with the State.

Auditor of State to open accounts with County Treasurers.

SEC. 7. That the Commissioners of the several counties, respectively, shall take control of said funds, for the purpose named in this act, when paid into the county treasuries, and shall apportion the same to the several townships in their respective counties, according to the families aforesaid, as returned by the Auditors of the several counties, as provided for in section 2, which shall, on the warrant of the County Auditor, be paid to the several Township Trustees thereof, and shall be drawn out in equal monthly proportions, upon the receipt of the Trustees of the several townships, and be distributed by them for the relief of the families of non-commissioned officers, musicians, and privates, in the service aforesaid, who have not otherwise sufficient means for their comfortable support, such fact to be determined by the disbursing officer; but any applicant dissatisfied with his decision may refer the same to the Board of County Commissioners, whose determination shall be final, as follows: To the wife or mother dependent on said soldier, the sum of eight dollars per month; and to each child under the age of twelve years, the sum of two dollars per month; and if said child be motherless, four dollars per month; and if the amount provided by this tax shall be insufficient to pay each that amount, then they shall receive the amount less on the ratio above, to be ascertained by the Auditor of State: *Provided*, That any insane or invalid child, over twelve years of age, of any such soldier, seaman or marine, shall be paid the same amount as if such child were under the age of twelve years; but such payment shall not be made until so ordered by the Board of County Commissioners of the proper county, on an investigation of each application in favor of such child over the age of twelve years.

Commissioners of counties to take control of funds.

Amounts to be paid soldiers' families, &c.

SEC. 8. The Township Trustee, as the disbursing officer of said fund, shall be required to give bond to the acceptance of the County Commissioners, in double the amount that

Duty of Township Trustees, Shall give bond.

May sue Trustees of other Townships, and when.

may come into his hands, and shall keep a fair and accurate account of the money expended for the relief of the families of any soldier, seaman or marine, in the service of the State or United States; as aforesaid, and not being a resident of such Township, when entering the service, and certify said account, with the vouchers for the same, to the Trustees of the Townships of which such soldier or marine was a resident at the time of his enlisting in said service, and such Trustees shall cause, from the fund for the relief of the families of volunteers in said Township, the amount so paid, to be repaid to the township paying the same, and, upon the refusal, may be compelled, by a civil action, brought before any court of competent jurisdiction, and the Trustees of each and every township in this State are hereby empowered to sustain said actions against the Trustees of any other township in this State, for thus giving relief to the family of any soldier, seaman or marine removing from one township to another, as aforesaid.

Trustees to account to Commissioners of county.

SEC. 9. That said Trustees shall, on the first Tuesday of April and October of each year, and such other times as the Commissioners may require, render an account to the Commissioners of their respective counties, of all funds that have or may come into their hands, under any law of this State, for the relief of soldiers' families, and the County Auditor shall make an abstract thereof, showing the number of families relieved, and the aggregate amount paid out for that purpose.

Commissioners may appoint a suitable person, when.

SEC. 10. That in case of the neglect, refusal, mal-conduct or disability of the Trustees of any township, in the discharge and performance of the duties by this Act enjoined upon them, the Commissioners of the proper county shall appoint a suitable person, in such township, to discharge and perform said duties, who shall have full power, and are hereby authorized to do all and singular the acts and duties which said Trustees could or might do, under the provisions of this Act, and said person or persons so appointed by said Commissioners, shall give bond, as required of said Trustee, in section eight (8) of this Act, and in case of the like neglect, refusal, mal-conduct or disability of the Commissioners of any county, or a majority thereof, in the performance of their duties, under this Act, the Governor of the State, being satisfied of such neglect, refusal, mal-conduct or disability, whereby the distribution and proper application of the funds provided by this Act is hindered, delayed or improperly performed, shall appoint one or more suitable persons, citizens of said county, to serve during his pleasure, not exceeding two years, who shall give bond in double the amount of the money that shall come into his hands, to be approved by the Governor, and required, with due diligence, to do and perform all and sin-

Person so appointed may discharge duties of Township Trustee.

Governor may appoint suitable person, when.

gular the acts and powers and duties conferred and enjoined upon said County Commissioners by, and under the provisions of this Act, and any monies in the treasury of such county, provided by this Act, shall be paid and disbursed, upon their order, in like manner as the same could have been done by the order of said County Commissioners, in the discharge of their duties, under this Act, or any formal Act, for the relief of the families of soldiers and marines.

SEC. 11. That in case any of the families included in the revised returns of the enumeration made by the Trustees of the several townships, to the Auditors of their counties, as provided for by section two of this Act, shall remove from one township to another, shall produce from the Trustees of the township from which they shall have removed, a certificate showing that they have been enumerated and returned, and the amount of relief received from the Trustees of the township to which they shall remove, and such certificate shall entitle them to relief, the same as if they had been enumerated in the township from which they may have removed.

When families remove from one township to another, shall produce certificate.

SEC. 12. To anticipate the receipts which may come into the county treasuries, by virtue of the tax levied under the authority of this Act, the said Commissioners are hereby authorized and required to borrow, from time to time, as may be deemed necessary, such sums of money as shall not exceed in aggregate of four-fifths of their proportion of the tax levied by this Act, and may to that extent temporarily transfer money from any other fund except the school fund. The money so borrowed shall be repaid with interest, not exceeding six per cent. per annum, out of the relief fund when paid into the treasury. The word family, used in this act, shall be construed to mean only a wife, widow, mother, child or children under twelve years of age.

Commissioners may borrow money.

How repaid.

SEC. 13. The compensation for the officers in discharge of the duties required by this act, shall be such as the Commissioners of the county may allow: *Provided*, that said compensation shall be taken out of any general fund in the county treasury, except the school fund.

Compensation of officers.

SEC. 14. The Secretary of State shall have one thousand copies of this Act printed, and shall send to the Auditors of each county in this State five copies of the same forthwith.

1,000 copies to be printed.

SEC. 15. The provisions of this Act shall not apply to the family of any commissioned officer, except in cases where such officer is prisoner in the hands of the enemy, in which case the family of such officer shall, during the period of his captivity, receive the same amount of the fund herein provided as the families of other soldiers.

Not to apply to officers, except in certain cases.

SEC. 16. The Board of Commissioners of any county may, in their discretion, appoint an agent in each township to disburse the money herein provided, who shall perform all

Commissioners may appoint agent in each township.

the duties required of Township Trustees under the provisions of this Act, and shall give a bond in a sum equal to the amount likely to come into his hands during the year for which he is appointed, with sureties to the acceptance of such Commissioners.

Emergency declared.

SEC. 17. And whereas an emergency exists for the immediate taking effect of this Act, the same shall be in force from and after its passage, and such publication.

CHAPTER XLI.

AN ACT to authorize the Bank of the State of Indiana to reduce the capital stock of a Branch or Branches of said Bank; to close the business and affairs of a Branch or Branches under certain regulations, and amendatory of sections 68, 62 and 74, of an act, entitled "an act to establish a Bank with Branches," passed March 3, 1865.

[APPROVED JANUARY 19, 1865.]

Board of Directors of Branch, with consent of the Board of Directors of the Bank, may reduce capital stock.

Proviso.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Board of Directors of any Branch of the Bank of the State of Indiana, by and with the consent of the Board of Directors of the Bank, be authorized to reduce the capital stock of such Branch, to an amount not less than twenty-five thousand dollars: *Provided*, That such reduction shall be made equally, or *pro rata*, on the stock of the respective stockholders: *And provided, also*, That no such reduction shall be made until such Branch shall have returned to the Bank for cancellation an amount of its circulating notes equal to twice the amount of the proposed reduction of capital stock, nor until its discounts are so reduced as to conform to its reduced capital stock, according to the provisions of the charter and the orders of the Directors of the Bank.

Capital stock of a Branch being reduced, Board of Directors of Bank may authorize distribution among stockholders. Distribution not to reduce surplus fund below 20 per cent. of the capital stock.

SEC. 2. In case of the reduction of the capital stock of a Branch, under this act, the Board of Directors of the Bank may authorize a distribution to the respective stockholders of the Branch, whose capital has been reduced of such an amount for, and on account of, their cancelled stock, and of such a proportion of the surplus fund of the Branch, as such Board of Directors of the Bank may deem safe and proper; but no such distribution shall be made as will reduce the surplus fund of a Branch below twenty per cent. of its capital stock, when so reduced.

SEC. 3. The Board of Directors of any Branch of said Bank, by and with the consent of the Bank, and not otherwise, and according to such rules and regulations as the Board of Directors of the Bank may adopt for the protection of the other Branches and the creditors of the Branch, shall be authorized to close up the business and affairs of such Branch entirely: *Provided*, That the stockholders of any Branch, whose business and affairs shall be closed up under this act, shall be held and bound to, and for an amount over and above their stock, equal to their respective stock, for all debts and liabilities of such Branch, and for all liabilities of the Bank arising from the acts or business of such Branch.

Board of Directors of Branch, with consent of Bank, may close up business of Branch.

Proviso.

SEC. 4. That section 68 of said act, which reads as follows:

"Section 68. No person shall be a director in more than one branch at the same time; nor shall two or more partners be at the same time directors of the same branch, or of the bank and a branch thereof; nor shall a director of any moneyed corporation, having power to discount and receive deposits, be a director of any branch"—be, and the same is hereby amended, so as to read as follows:

Sec. of act recited.

SEC. 68. No person shall be a director in more than one Branch at the same time; nor shall two or more partners be at the same time Directors of the same Branch, or of the bank and a branch thereof.

Section, how amended.

SEC. 5. That section 62 of said act, which reads as follows:

"Section 62. The stockholders of each Branch shall, by ballot, annually elect not less than five, nor more than ten, Directors for such Branch—the number to be settled by the Directors of the Bank, and the Directors of the Bank shall appoint two Directors for each Branch; such Branch Directors shall hold their office for one year, and until their successors are chosen and qualified,"—be amended so as to read as follows:

Section recited.

SEC. 62. The stockholders of each Branch shall, by ballot, annually elect not less than three, nor more than ten Directors for such Branch—the number to be settled by the Directors of the Bank, and the Directors of the Bank shall appoint two Directors for each Branch; such Branch Directors shall hold their office for one year, and until their successors are chosen and qualified.

Section, how amended.

SEC. 6. That section 74 of said act, which reads as follows:

"Section 74. In the management of their business, the Board of Directors shall observe the following rules:

Section recited.

"*First*.—No Branch shall loan money on the security of its own stock.

"*Second*.—No person shall be accommodated with a loan while in arrear for stock, for interest, or for loans had either on his own

account or as security for others, and then due, unless the sums so due be retained and first paid out of such loan.

Third.—In the renewal of notes, the securities shall never be lessened.

Fourth.—No Director shall be allowed to borrow out of Bank on any other than the usual banking terms.

Fifth.—The President, Cashier and Directors, for the time being, of any Branch, or of the Bank, shall not be permitted to indorse for each other, nor shall they vote on questions in which they are interested.

Sixth.—On all applications for loans of five hundred dollars, and upwards, there shall be five concurring votes out of seven, and so on in proportion, if any greater or less number is present; and if any such application is granted, the ayes and noes shall be entered in the Minutes of the Board.

Seventh.—No corporation of any description shall, at any one time, be permitted to be indebted, at one Branch, in a greater sum than five thousand dollars for moneys loaned, unless by permission of the Board of Directors of the Bank.

Eighth.—It shall be the duty of the Board of Directors of each Branch, as often as once in three months, to cause a strict examination to be made of the accounts of the Cashier, and a full and complete settlement thereof; and a full settlement thereof shall be entered on the journals of the proceedings of said Board.

Ninth.—No person shall be entitled to receive any dividend of profits on stock owned while indebted to said Bank for any debt or demand then due, and payable, but the same shall be placed to his credit until such debt or demand is paid.

Tenth.—Five members shall be necessary to constitute a board for the transaction of business," be amended so as to read as follows:

Section, how
amended.

SEC. 74. In the management of their business, the Board of Directors shall observe the following rules:

First. No Branch shall loan money on the security of its own stock.

Second. No person shall be accommodated with a loan while in arrears for stock, for interest or for loans had either on his own account, or as security for others, and then due, unless the sums so due be retained and first paid out of such loan.

Third. In the renewal of notes, the securities shall never be lessened.

Fourth. No Director shall be allowed to borrow out of Bank on any other than the usual banking terms.

Fifth. The President, Cashier and Directors, for the time being, of any Branch, or of the Bank, shall not be permitted to indorse for each other, nor shall they vote on questions in which they are interested.

Sixth. On all applications for loans of five hundred dollars or upwards, there shall be five concurring votes out of seven, and so on, in proportion, if any greater or less number is present; and if any such application is granted, the ayes and noes shall be entered in the minutes of the Board.

Seventh. No corporation of any description shall, at any one time, be permitted to be indebted, at one Branch, in a

greater sum than five thousand dollars, for moneys loaned, unless by permission of the Board of Directors of the Bank.

Eighth. It shall be the duty of the Board of Directors of each Branch, as often as once in three months, to cause a strict examination to be made of the accounts of the Cashier, and a full and complete settlement thereof; and a full statement thereof shall be entered on the journals of the proceedings of said Bank.

Ninth. No person shall be entitled to receive any dividend of profits on stock owned while indebted to said Bank for any debt or demand then due and payable, but the same shall be placed to his credit until such debt or demand is paid.

Tenth. Three members shall be necessary to constitute a Board for the transaction of business.

SEC. 7. This act shall take effect and be in force as an amendment to the Charter of the Bank of the State of Indiana from and after the date when the Board of Directors of the Branches thereof shall file their consent thereto in the office of the Secretary of the State of Indiana.

This act to be in force after Board of Directors of Branches file their acceptance in office of Secretary of State.

NOTE.—The Boards of Directors of the Branches of the Bank of the State of Indiana filed severally their acceptance, in writing, of the above act in the Office of the Secretary of State, March 9th, A. D., 1865.

CHAPTER LXII.

AN ACT prohibiting Supreme, Circuit or Common Pleas Judges, County Clerks, Auditors, Treasurers, Recorders, Sheriffs, and their Deputies, from practicing law in any of the Courts of this State, except as in this act permitted, and prescribing punishment for the violation thereof.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be unlawful for any Supreme, Circuit or Common Pleas Judge, to practice law in any of the Courts of this State, or to give counsel or advice in relation to any business in said Courts, or in the Supreme Court, in any case appealed from his Court.

Supreme, Circuit and Common Pleas Judges not to practice law.

SEC. 2. It shall be unlawful for County Clerks, Auditors, Treasurers, Recorders, Sheriffs or their Deputies, to practice law in any of the Courts of the County in which they hold such offices.

Clerks, Treasurers, Recorders, Sheriffs, and their deputies not to practice law in Courts when they hold office.

Penalty for violating this act.

SEC. 3. Any person who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any Court having jurisdiction, shall be fined in any sum not exceeding five hundred dollars.

Emergency declared.

SEC. 4. Inasmuch as there is now no law prohibiting the persons herein named from practicing law, it is declared that an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

CHAPTER XLIII.

AN ACT to fix the time of holding the Courts of Common Pleas in the fifth Judicial District; repealing all other laws on the same subject, and declaring when this act shall take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Common Pleas Court in the fifth Judicial District shall, after the taking effect of this act, be held as follows:

Ohio county. In the county of Ohio, on the second Mondays of April and October;

Ripley county. In the county of Ripley, on the fourth Mondays of May and November;

Switzerland county. In the county of Switzerland, on the second Mondays of March and September;

Jefferson county. In the county of Jefferson, on the third Mondays of June and December;

Dearborn county. And in the county of Dearborn on the third Mondays of January and July.

SEC. 2. The said Court shall, if the business require, sit in the counties of Ohio and Switzerland two weeks each, and in the counties of Ripley, Dearborn and Jefferson, three weeks each.

SEC. 3. All writs, process and proceedings begun or pending in any of said Courts shall be returnable, and shall be acted upon at the terms as fixed by this act.

SEC. 4. All laws contravening the provisions of this act are hereby repealed, and, there being an emergency for the

Acts repealed.

Court to sit in Ohio and Switzerland counties two weeks each. Ripley, Dearborn and Jefferson, three weeks each.
Process, how returnable.

immediate taking effect of this act, the same shall be in force from and after its passage. Emergency declared.

NOTE.—The above act was presented to the Governor for his signature on the 10th day of February, 1865, and was deposited by him in the Office of the Secretary of State, as a law, on the 25th day of February, 1865—without his signature.

CHAPTER LXIV.

AN ACT to authorize the formation of companies for the construction of Water Works, in and for incorporated cities; to enable such cities to subscribe stock in such companies, and to issue and sell bonds for the payment thereof.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever the City Council, of any incorporated city, in the State of Indiana, shall, by resolution, declare that it is expedient to have constructed works for the purpose of supplying such city and the inhabitants thereof with water, but that it is inexpedient for such city, under the powers granted in its act of incorporation, to build such works, it shall be lawful for the inhabitants of any such city, and others, to organize a company for the construction of such water works. Inhabitants of incorporated city may form Company to supply water—when.

SEC. 2. Any number of persons, not less than twelve, desirous of forming a company for such purpose, shall make, sign and acknowledge, before some officer authorized to take acknowledgements of deeds, a certificate in writing, which shall state the corporate name adopted by the company, the amount of the capital stock, the term of its existence—not, however, to exceed fifty years—the number of directors, the names of those who shall manage the affairs of the company for the first year, or until their successors are elected and qualified, and the name of the city, in or for which, such works are to be constructed and the business of the company carried on. Such certificate shall be filed in the office of the Recorder of the county in which such city is situate, and shall be then placed upon record, and a duplicate thereof shall be filed in the office of the Secretary of State. Not less than 12 persons to acknowledge certificate, stating name of Company, amount of capital stock and term of existence of Company not to exceed 50 years, &c.

SEC. 3. When the certificate shall have been filed, as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, and by their corporate name, may take, hold and Certificate to be filed in Recorder's Office. Duplicate in office of Secretary of State. Persons filing certificate to be a body corporate.

May hold and convey real estate.

May enter lands for purpose of surveying, &c.

Board of Directors shall be stockholders, and a majority residents of city.

Quorum.

When Directors elected.

Officers of Company.

To be elected annually, and give bond and take an oath.

Capital stock to be fixed by Company, and may be increased and divided into shares.

City may become a stockholder.

Entitled to same rights as other stockholders.

City may issue bonds.

convey all such real estate as shall be necessary to carry on the operations and effect the objects and purposes of said company, and it shall be lawful for such company to enter upon any lands for the purpose of examining and surveying the same, for the site or sites of water works, reservoirs and line of water pipes of such company, and to take and appropriate so much thereof as may be deemed necessary for the same, and to that end and purpose, said company shall be entitled to the writ of assessment of damages provided by law.

SEC. 4. The business of said company shall be managed by a board of not less than nine nor more than thirteen directors, who shall be stockholders therein, and a majority of whom shall be residents of such city, and a majority of the directors chosen shall be a quorum. There shall be an election of directors within one year from the filing of the articles of association, and annually thereafter at such time as shall be fixed by the by-laws of such company. Three weeks notice thereof shall be given by publication in a newspaper of general circulation in such city. The stockholders shall be entitled to vote either in person or by proxy.

SEC. 5. The officers of such company shall be a President, who shall be one of the directors, a Secretary and Treasurer, and such other officers, agents and servants, as the Board of Directors shall deem necessary for the transaction of the business of the company. Such officers shall be elected annually by the directors, and shall all be required to give bond with penalty and surety, to the approval of said Board of Directors, conditioned for the faithful discharge of their respective duties, and shall also take an oath of office.

SEC. 6. The amount of the capital stock shall be fixed by the company, but may be increased by a vote of the stockholders, at any annual meeting, and such capital stock be divided into shares of not more than one hundred dollars each.

SEC. 7. Any such city may become a stockholder in any such company whenever the Common Council shall so direct, by resolution duly entered upon their minutes. Such resolution shall specify the number of shares to be taken, and shall require the Mayor to carry out the direction by subscribing for the number of shares indicated upon the books of the company; and any railroad company of this State may subscribe for and own stock in such company, and shall be entitled to all the rights and privileges of other stockholders, and, to provide for the payment of such stock subscription, it shall be lawful for any such city to issue bonds, payable at such times as the Common Council shall direct, and bearing interest at any rate not exceeding seven per cent. per annum.

and to negotiate the same upon the best terms they can obtain.

SEC. 8. When any such company shall have been organized under the provisions of this act, and, after at least one-half of the capital stock authorized by its articles of association shall have been subscribed, it shall be the duty of the Common Council of the city in, or for which such company may propose to erect water works, by resolution duly passed and entered upon its minutes, to grant to such company such right to the use of the streets, alleys, wharves and public grounds of such city as shall be necessary to enable such company to construct the proper works for the supply of water for the use of such city and its inhabitants: *Provided*, that the Common Council of such city may, in such grant, impose such just and reasonable terms, restrictions and limitations upon such company, in reference to the manner in which such streets, alleys, wharves and public grounds are to be used, and in reference to the charging and collecting of tolls, water rents or other compensation for the supply of water to be furnished by such company to such city and its inhabitants, as shall be necessary to guard against the improper use of such streets, alleys, wharves and public grounds, and to protect said city and its inhabitants from the imposition of an undue or excessive rates or charges for the supply of water; but no restriction shall be imposed by said Common Council which will prevent such company realizing upon its capital stocks an annual income or dividend of ten per cent., after paying the cost of all necessary repairs and expenses.

Company to have use of streets, public grounds, &c., to construct water works.

Provided.

City not to restrict so as not to realize 10 per cent. on capital stock.

SEC. 9. That from and after the expiration of twenty-five years from the time of the organization of any such company, the Common Council of the city in and for which such company may have erected its works, shall have the right and privilege of purchasing from such company all the buildings, fixtures, apparatus and property of such company, with all its corporate rights and privileges, at such price as may be agreed upon between the Common Council of such city and the Board of Directors of such company, and, in case of disagreement between the parties, the price to be ascertained and determined by five disinterested persons—non-residents of such city—two of whom to be chosen by said Common Council, and two by the Board of Directors of such company, and the fifth by the four so chosen: *Provided*, that the right of such city to purchase such works shall accrue immediately, if, at the end of twelve years from the time of the organization of such company, or at the expiration of any year thereafter, it shall appear that such company has imposed and collected such rates or charges for the supply of water as shall have caused the average annual income or dividends of such company upon its capital stock, to exceed ten

City to have right to purchase property and corporate rights of Company—when.

How price obtained. When city and Company disagree.

Provided.

per cent. after paying the cost of all necessary repairs and expenses, and exclusive of one half per cent. per annum, which may be set apart and reserved as a surplus or contingent fund.

Company may
charge for water

SEC. 10. Such company shall have power and authority to charge and collect from such city and the inhabitants thereof, and all others, such rates for the water so furnished, as shall be fixed by its by-laws, rules and regulations, subject only to the restrictions imposed by such common council as aforesaid.

Company to
make exhibit of
its operations
annually.

SEC. 11. Such company shall annually, at least ten days before the election of directors, make out a full and complete exhibit of all the operations of the company, during the current year, containing a correct account of all the receipts and disbursements thereof; also, showing the amount of capital stock subscribed, the amount of such capital stock actually paid in, the amount paid out, during the year, in the construction and repair of the works, the amount paid out in the ordinary expenses of the company, classifying the expenditures, and giving the amount paid out under each classification, as the same appears on the books of the company, the amount collected from such city, and the amount collected from individuals, for water supplied, the amount placed to the credit of the reserve fund, the amount of dividends declared, and the amount of such dividends drawn, which exhibit shall be verified by the oath of the President and Secretary, and published in some public newspaper of general circulation in such city, ten days successively, before such annual election.

Emergency de-
clared.

SEC. 12. It is hereby declared that an emergency exists for the immediate taking effect of this act, and that the same shall take effect and be in force from and after its passage.

CHAPTER XLV.

AN ACT accepting the provisions of an act of the Congress of the United States of America, entitled "an act donating lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts;" and providing for the receipt, investment and management of said donation.

[APPROVED, MARCH 6, 1865.]

Preamble.

WHEREAS, By an act of Congress, approved July second, one thousand eight hundred and sixty-two, it is provided as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be granted to the several States, for the purpose hereinafter mentioned, an amount of public land to be apportioned to each State, a quantity equal to thirty thousand acres for each Senator and Representative in Congress, to which the States are respectively entitled by the appointment under the census of eighteen hundred and sixty; Provided, That no mineral lands shall be selected or purchased under the provisions of this act.

Land granted by the United States to the several States.

Proviso.

SEC. 2. *And be it further enacted, That the land aforesaid, after being surveyed, shall be appointed to the several States in sections, or subdivisions of sections, not less than one-quarter of a section; and whenever there are public lands in a State, subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled, shall be selected from such land within the limits of such State, and the Secretary of the Interior is hereby directed to issue to each of the States, in which there is not the quantity of public lands subject to sale at private entry, at one dollar and twenty-five cents per acre, to which said State may be entitled, under the provisions of this act, land scrip to the amount in acres for the deficiency of its distributive share, said scrip to be sold by said States, and the proceeds thereof applied to the uses and purposes prescribed in this act, and for no other use or purpose whatever: Provided, That in no case shall any State, to which land scrip may be thus issued, be allowed to locate the same within the limits of any other State, or of any Territory of the United States; but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States, subject to sale at private entry, at one dollar and twenty-five cents per acre: And provided further, That no more than one million acres shall be located by such assignees in any one of the States: And provided further, That no such location shall be made before one year from the passage of this act.*

Land after being surveyed how appointed.

Scrip for deficiency.

Proviso.

Further proviso.

SEC. 3. *And be it further enacted, That all the expenses of management, superintendence and taxes, from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sales of said lands shall be applied, without any diminution whatever, to the purpose hereinafter mentioned.*

All expenses to be paid by the States.

SEC. 4. *And be it further enacted, That all moneys derived from the sale of the lands aforesaid, by the State to which the lands are apportioned, and from the sales of the*

Proceeds of sales of lands to be vested in United States stocks.

To constitute
perpetual fund.

land scrip hereinbefore provided for, shall be invested in stocks of the United States, or of some other safe stocks, yielding no less than five per centum upon the par value of said stocks, and that the moneys so invested, shall constitute a perpetual fund; the capital of which shall remain forever undiminished, except so far as may be provided in section fifth of this act, and the interest of which shall be inviolably appropriated by each State, which may take and claim the benefit of this act, to the endowment, support and maintenance of at least one college, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such a manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.

Conditions of
grant.

SEC. 5. *And be it further enacted*, That the grant of land and land scrip, hereby authorized, shall be made on the following conditions, to which, as well as to the provision hereinbefore contained, the previous assent of the several States shall be signified by legislative act.

First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished, and the annual interest shall be regularly applied without diminution, to the purposes mentioned in the fourth section of this act, except that a sum not exceeding ten per centum upon the amount received by any State, under the provisions of this act, may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective Legislatures of said States.

Second. No portion of said fund, nor the interest thereon, shall be applied directly or indirectly, under any pretence whatever, to the purchase, erection, preservation or repair of any building or buildings.

Third. Any State which may take and claim the benefit of the provisions of this act, shall provide within five years, at least, not less than one college, as described in the fourth section of this act, or the grant to such State shall cease, and said State shall be bound to pay the United States the amount received of any lands previously sold, and that the title to purchase under the State shall be valid.

Fourth. An annual report shall be made, regarding the progress of each college, recording any improvements and experiments made, with their costs and results, and such other matter, including State industrial and economical sta-

tistics, as may be supposed useful; one copy of which shall be transmitted by mail, free, by each, to all other colleges which may be endowed under the provisions of this act, and, also, one copy to the Secretary of the Interior.

Fifth. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, that they shall be computed to the States at the maximum price, and the number of acres proportionately diminished.

Sixth. No State, while in condition of rebellion or insurrection against the Government of the United States, shall be entitled to the benefits of this act.

No State in rebellion entitled to benefit of this act.

Seventh. No State shall be entitled to the benefits of this act, unless it shall express its acceptance thereof by its Legislature within two years from the date of its approval by the President.

Acceptance of State to be expressed.

SEC. 6. *And be it further enacted,* That the land scrip issued under the provisions of this act, shall not be subject to location until after the first day of January, one thousand eight hundred and sixty-three.

When land scrip subject to location.

SEC. 7. *And be it further enacted,* That the land officers shall receive the same fees for locating land scrip, issued under the provisions of this act, as are now allowed for the location of military bounty land warrants, under existing laws: *Provided,* Their maximum compensation shall not be thereby increased.

Officers fees for locating scrip.

SEC. 8. *And be it further enacted,* That the Governors of the several States to which scrip shall be issued under this act, shall be required to report annually to Congress all sales made of such scrip, until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds.

Governors of States to report to Congress, &c.

AND WHEREAS, By an act of Congress, approved April 14, 1864, it was further provided as follows:

Preamble.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any State or Territory may accept, and shall be entitled to the benefits of the act entitled "an act donating lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, by expressing its acceptance thereof, as provided in said act, within two years from the date of the approval of this act, subject, however, to the condition in said act contained; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the State of Indiana accepts and

State accept-.

claims the benefits of the provisions of said acts of Congress, and assents to all the conditions and provisions in said act contained.

Who Trustees of
Indiana.

SEC. 2. That the Governor of this State, for the time being, and Alfred Poland [Pollard], of Gibson, Smith Vawter, of Jennings, Henry Taylor, of Tippecanoe, and Lewis Burke, of Wayne, and their successors, are created a body corporate, under the name of The Trustees of the Indiana Agricultural College.

Agricultural
College body
corporate.

Trustees' term
of office.

SEC. 3. Said Henry Taylor and Lewis Burke shall hold said office for two years, and said Alfred Poland [Pollard] and Smith Vawter shall hold the same for four years, provided they so long behave well, and at the expiration of each period of two years from the passage of this act the Governor and the remaining Trustees shall choose, by ballot, two citizens of this State to fill the vacancy caused by the expiration of the terms of office of such preceding Trustees, who shall hold their office for the term of four years, provided they so long behave well. And whenever any other vacancy shall occur among said Trustees, they shall, in like manner, choose some citizen of this State to fill the same, who shall hold his office during the residue of the unexpired term of his predecessor, provided he so long behave well.

How vacancy
filled.

Governor ex-
officio President
of Trustees.

SEC. 4. The Governor of this State, for the time being, shall be, *ex-officio*, President of said Trustees; and said Trustees shall, upon the first Tuesday of May, A. D. 1865, and every two years thereafter, and whenever a vacancy occurs, elect, by ballot, a Secretary and Treasurer, whose compensation shall be fixed by said Trustees. The said Treasurer shall give bonds to the State of Indiana, in a sum of not less than two hundred thousand dollars, for the faithful execution of his trust, with sufficient sureties, to the approbation of said Trustees.

To elect Secre-
tary and Treas-
urer.

Treasurer shall
give bond.

Treasurer to
claim and re-
ceive land scrip,
and sell the same
&c.

SEC. 5. That said Trustees shall, by the hand of their Treasurer, claim and receive from the Secretary of the Interior the land scrip to which this State is entitled by the provisions of said act of Congress; and, under their direction, said Treasurer shall sell the same, in such manner, and at such times, as shall be most advantageous to the State, and shall invest the proceeds thereof, and any interest that may accrue thereon, in the stocks of the United States or of this State, yielding not less than five per centum per annum upon the par value of the stocks; and that the said principal and interest shall so continue to be so invested, until further provision shall be made by the General Assembly of this State for fulfilling the requirements of said act of Congress.

SEC. 6. That there is appropriated, to be paid annually to said Trustees, out of the State Treasury, a sum of money sufficient to defray the actual expenses incurred in obtaining

and selling said land scrip, and in investing and managing the proceeds thereof, the items of which shall be certified to by said Trustees; and the Auditor of State shall draw his warrant on the Treasurer of State, and the Treasurer shall pay the same. And the said Trustees shall receive three dollars per day for their services while so engaged.

SEC. 7. The Governor of this State shall report annually, to Congress, all sales made of said land scrip, until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds.

Governor to re-
port sales to
Congress.

SEC. 8. That an emergency exists for this act to take immediate effect, and it shall take effect from and after its passage.

Emergency de-
clared.

CHAPTER XLVI.

AN ACT to amend an act entitled "an act to amend section seven of an act entitled 'an act to fix the time for holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5th, 1859,' so as to change the times of holding said Courts in Jackson and Bartholomew counties, and declaring when this act shall take effect, approved March 9th, 1861," so as to change the times of holding said Courts in Jennings and Bartholomew counties, extending the time for holding said Court therein, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect.

[APPROVED FEBRUARY 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section one of said act, which reads as follows, to-wit:

"Section 1. In the County of Jennings, on the first Mondays in February, June and November; in the County of Lawrence, on the first Mondays in January, May and October; in the County of Jackson, on the third Mondays in January, May and October, and in the County of Bartholomew on the third Mondays in February, June and November, and said Court shall sit two weeks at each term thereof, in each of said counties, if the business shall require it,"—be, and the same is hereby amended to read as follows, to-wit:

Section recited.

How amended.
Courts in Jennings.

Lawrence.

Jackson.

Bartholomew.

Sit two weeks
in Jennings,
Lawrence and
Jackson.
Bartholomew 3
weeks.

Process, how returnable.

Emergency declared.

SEC. 1. In the County of Jennings, on the first Mondays in February, June and November; in the County of Lawrence, on the first Mondays in January, May and October; in the County of Jackson, on the third Mondays in January, May and October, and in the County of Bartholomew, on the third Mondays in March, July and November; and said Court shall sit in the Counties of Jennings, Lawrence and Jackson, two weeks each, and in the County of Bartholomew three weeks at each term, if the business shall require it.

SEC. 2. All writs, subpoenas, venires, rules, orders of Court, recognizances, publications, and process whatever, which may issue from the Common Pleas Court in the said County of Bartholomew, shall be deemed and taken to be, and are hereby, made returnable on the first day of the first term to be holden in said County by virtue of this act.

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act, and the same shall take effect and be in force from and after its passage; and it shall be the duty of the Secretary of State forthwith to send to the Clerk of Bartholomew County a copy of this act.

CHAPTER XLVII.

AN ACT to amend section 1 of an act entitled, "an act to incorporate the Trustees of the Indiana Female College," approved February 13, 1851.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section first of an act entitled, "an act to incorporate the Trustees of the Indiana Female College, approved February 13, 1851," which section is in the following words, to-wit:

Sec. 1 amended.

"Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Calvin Fletcher, Austin W. Morris, Edward R. Ames, William Hannaman, James S. Brown, Samuel Beck, John Wilkins, Isaac N. Phipps, James P. Southard, John D. Defrees, James J. Drum, John W. Holland, Albert G. Porter, R. J. Patterson, and E. W. H. Ellis, of the city of Indianapolis, and their successors in office, be, and they are, hereby created a body corporate and politic, for the education of females, by the name and style of "the Trustees of the Indiana Female College," and by that title to have perpetual succession, with full power to sue and be sued, plead and be impleaded, to acquire, by devise or otherwise, hold and convey property, both real and personal,

and to have and use a common seal: *Provided*, Said company shall not be empowered under this act to hold or acquire real estate of a greater value than fifty thousand dollars," be and the same is hereby amended to read as follows, to-wit:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Calvin Fletcher, John S. Dunlop, Edward R. Ames, William Hannaman, James S. Brown, Samuel Beck, John Wilkins, Isaac W. Phipps, James P. Southard, John D. Defrees, John W. Holland, Albert G. Porter, R. J. Patterson, [and] E. W. H. Ellis, of the city of Indianapolis, and their successors in office, be, and they are, hereby created a body corporate and politic, for the education of females, by the name and style of "The Trustees of the Indiana Female College," and by that title to have perpetual succession, with full power to sue and be sued, plead and be impleaded, to acquire, by devise or otherwise, hold and convey property, both real and personal, and to have and use a common seal: *Provided*, Said corporation shall not be empowered, under this act, to hold or acquire real estate of a greater value than two hundred thousand dollars. How amended

SEC. 2. Whereas, the Trustees of the Indiana Female College are desirous to commence building immediately, thereupon it is declared hereby that an emergency exists, and that this bill shall take effect from and after its passage. Emergency.

CHAPTER XLVIII.

AN ACT to amend the seventy-first section of an act entitled "an act granting to the citizens of the town of Evansville, in the County of Vanderburgh, 'a city charter,' approved January 27, 1847," and to add supplemental sections to said act.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the seventy-first section of an act entitled an act granting to the citizens of the town of Evansville, in the County of Vanderburgh, a city charter, approved January 27, 1847, which section reads as follows, viz:

"Section 71. At any time after this act takes effect, any territory adjoining the city of Evansville, which is or may be laid out in streets and lots, and the plat thereof recorded; or any part of any such territory so laid out in streets or lots, may be annexed to, and included within, the limits of the city of Evansville, in the manner

G. L.—8

hereinafter provided, viz: Whenever three-fourths of the adult inhabitants of any such adjoining territory, who are freeholders therein, and own one-third of such territory, shall desire to have the same annexed to, and included within, the limits of said city; or whenever the owners in fee of one-half of any such territory, whether inhabitants thereof or not, shall desire to have the same annexed to, or included within, the limits of said city, and shall express such desire by a written petition, signed by three-fourths of such freehold inhabitants, or the owners of one-half of such territory, expressing therein, distinctly, the territory intended or desired to be annexed to, and included within, the limits of said city, the Common Council, upon such petition, being presented to them, shall, if they think proper, enter such petition at full length upon their records, and order the territory described in such petition to be annexed to, and included within, the limits of said city; and thenceforth such territory shall be deemed, and taken to be annexed to, and within, the limits of said city; and the inhabitants thereof, members of the corporation hereby created, to all intents and for all purposes whatever, and the territory so annexed shall constitute one, or be divided into two or more wards of the city of Evansville, as shall be provided by an ordinance or ordinances of the Common Council, and such ward or wards shall be represented in the Common Council, in the same manner as other wards of the city; and the Mayor and the Common Council, and all other officers of the city, shall have the same jurisdiction over, and exercise the same powers within any territory so annexed, as they may have or exercise within the limits of the city of Evansville, as herein defined and prescribed, and also over and upon the Ohio River, and the shore thereof, in front of such annexed territory: *Provided*, that no revenue assessed, collected, or raised, without any territory so annexed, as aforesaid, shall be expended for any improvements or repairs of streets, alleys, wharves or landings, within, or in front of such territory, or for any labor or service done or rendered in or for the benefit of such territory, or the inhabitants thereof; nor shall any revenue raised, levied or collected, within such territory, be expended, except in such territory, and for the benefit of the same, or the inhabitants thereof, until the Common Council shall otherwise direct by a general ordinance, which ordinance shall not be passed without the consent of all the members of the Common Council representing such territory, if there be less than three, or a majority of them, if there be three or more,"—be, and the same is hereby amended to read as follows, viz:

How amended.

SEC. 71. Whenever there shall be, or may have been, lots laid off and platted adjoining said city of Evansville, and a record of the same is made in the Recorder's office of Vanderburgh County, the Common Council of said city may, by resolution, extend the boundaries of said city, so as to include such lots with the streets and alleys thereof, or any part or portion of the same, and the lots, streets and alleys thus annexed shall thereafter form a part of said city, and be within the jurisdiction of the same. The resolution of the Common Council annexing such lots shall refer to the recorded plat of such lots, and if the resolution shall not annex all the lots contained in such plat, it shall define the boundaries of the part or portion of said lots so annexed, and the Common Council of said city shall, within ten days from and after the

adoption of any such resolution, cause a copy thereof, certified by the Mayor, under the seal of the city, to be filed in the office of the Recorder aforesaid, and the same shall be recorded in said office.

SEC. 2. When said city shall desire to annex contiguous territory thereto, not platted or laid off, the Common Council shall present to the Board of County Commissioners of said county a petition setting forth the reasons for such annexation, and shall accompany the same with a map or plat, accurately describing, by metes and bounds, the territory proposed to be attached, which shall be verified by affidavit. Such Common Council shall give thirty days' notice, by publication in one or more newspapers of the city, of the intended petition, stating in such notice the territory to be annexed.

How contiguous territory may be added.

SEC. 3. The Board of County Commissioners, upon the reception of such petition, shall consider the same, and shall hear the testimony offered, for or against, such annexation; and if, after inspection of the map, and of all the proceedings had in the case, such Board is of the opinion that the prayer of the petition should be granted, it shall cause an entry to be made in the order-book, specifying the territory annexed, with the boundaries of the same, according to the survey, and they shall cause an attested copy of entry to be filed with the Clerk of the Circuit Court of such county, which shall be conclusive evidence of such annexation in all Courts of this State; and the Common Council shall cause a plat of the annexed territory to be recorded: *Provided*, that twenty days' notice of the pendency of such petition shall be sufficient; which notice, in the absence of any person owning property proposed to be annexed, may be served on his agent, or by publication in some newspaper printed and published in said city.

Board of County Commissioners shall have territory upon application.

Specifying in order book territory annexed.

Attested copy to be filed with Clerk of Circuit Court.

Plat to be made.

Proviso.

SEC. 4. The Common Council of said city shall have power to pass ordinances to regulate all inns, taverns, or other places used or kept for public entertainment; also all shops and other places kept for the sale of articles to be used in and upon the premises.

Common Council shall have jurisdiction over annexed territory.

SEC. 5. If any real or personal property within said city, or any money or capital within said city, which is, or may be, taxable under the provisions of said act of January 27, 1847, shall be omitted from the assessment rolls of said city for any year it shall be lawful for the Common Council of said city, at any time before the time limited for the making of the collecting officer's final return of his duplicate and proceedings, to cause such property, money, or capital, to be assessed and added to the assessment-roll of said year, and to be carried forward to the duplicate in the hands of the collector, with the proper amount of taxes charged to the owner, under such rules and regulations as said Council may, by general ordinance, prescribe, and said taxes may be collected

Property omitted to be taxed under act of Jan. 27, 1847, Common Council may cause same to be taxed

Proviso.

in like manner, and to the same extent as if such property, capital or money, had been included in the original assessment-roll, and regularly carried forward to the duplicate at the proper time: *Provided, however,* that when any assessment shall be made under the provisions of this section, the owner, or his agent, shall, whenever practicable, be notified of such assessment, so that he may appear before the Common Council, and have such assessment corrected, modified or equalized, and it shall be lawful for the Common Council to make such corrections, modification, or equalization, of such additional assessments as the facts may require.

What effects taxable.

SEC. 6. Every person who shall own, or have in his possession, or subject to his control, any personal property within said city subject to taxation, under said act of January 27, 1847, with authority to sell the same, which shall have been purchased either in or out of this State, with a view of being sold at an advanced price or profit, or which shall have been consigned to him from any place out of this State, shall be held to be a merchant; and at all times when he shall be, in pursuance of the said act of January 27, 1847, or of the ordinances made, or to be made, in accordance therewith, be required to make out and deliver to the assessor of said city a statement of his other personal property, he shall state, and attest on oath or affirmation, the value of such property appertaining to his business as a merchant; and in estimating the value thereof, he shall take as a criterion the average value of all such articles of personal property he shall have had from time to time in his possession or under his control, during the year ending on the thirty-first day of March next previous to the time of making such statement, if so long he shall have been engaged in business, and if not, then during such time as he shall have been so engaged, and the average shall be made up by taking the amount in value on hand, as nearly as may be, in each month of the said next preceding year in which the person making such statement shall have been engaged in business, adding together such amounts, and dividing the aggregate amount thereof by the number of months that the person making the statement may have been in business during the preceding year: *Provided,* That no consignee shall be required to list for taxation the value of any property, the product of this State, which shall have been consigned to him for sale, or otherwise, from any place within this state, over the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded: *Provided,* He shall, in either case, have no interest in such property, nor in any profit to be derived from its sale, and the word "person," as used in this and the next succeeding section, shall be held to mean and include firm, company, or corporation.

Who to make out statement.

Statement how attested.

How value estimated.

Proviso.

What the word person to include.

SEC. 7. Every person who shall purchase, receive, or hold personal property of any description subject to taxation under said act of January 27, 1847, for the purpose of adding to the value thereof, by any process of manufacturing, refining, rectifying, or by the combination of different materials with a view of making gain or profit by so doing, shall be held to be a manufacturer, and shall at all times when, by virtue of the said act of March 27, 1847, or of the ordinances made in pursuance thereof, he is required to make and deliver to the Assessor of said city a statement of the amount or value of his other personal property subject to taxation under said act; also, state the average value estimated, as provided in the preceding section, of all articles purchased, received, or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing combining, rectifying, or refining, which, from time to time, he shall have had on hand during the year next previous to the time of making such statement, if so long he shall have been engaged in such manufacturing business, and if not, then during the time he shall have been so engaged within said city; and such statement shall be attested on oath; but in determining the value of all articles manufactured by him, and remaining on hand unsold, the cost of the materials entering into their combination, or of which they were made, with the cost of the materials used or consumed in the process of manufacturing, combining, rectifying or refining, shall be taken as the criterion of value for the purpose of taxation.

Who by order
as a manufac-
turer.

Manufacturer
shall make
statement on
oath.

SEC. 8. It shall not be lawful for the Common Council of said city, from and after the taking effect of this act, to adopt the general law for the incorporation of cities, approved March 9, 1857, and thereby surrender its present charter, without first obtaining the consent of a majority of the qualified voters of said city to such adoption, to be ascertained by an election, to be held under such regulations as may be prescribed by a general ordinance of said city, of which election, and the object and purpose thereof, at least fifteen days previous notice shall be given by publication in all the newspapers of said city.

Common Coun-
cil not to adopt
the general law
incorporating
cities.

SEC. 9. An emergency is hereby declared for the immediate taking effect of this act, and the same shall therefore be in force from and after its passage, and the Secretary of State shall forward a copy thereof to the Mayor of said city, who shall cause it to be published in some newspaper of said city.

Emergency de-
clared.

CHAPTER XLIX.

AN ACT making specific appropriations from the State Treasury.

[APPROVED FEBRUARY 11, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sum of seventy-five thousand dollars (\$75,000 00) is hereby appropriated to defray the Legislative expenses of the General Assembly.

SEC. 2. That it shall be the duty of the Auditor of State to audit the accounts, and issue his warrant upon the Treasurer of State for the *per diem* and mileage of Senators and Representatives, as allowed by law, and also such allowances as may be provided by either House or Senate by resolution, upon the certificate, in case of Senators, of the President of the Senate, and, in case of Representatives, upon the certificate of the Speaker of the House, setting forth the time served, and the amount of mileage and allowances to which such Senator or Representative may be entitled.

SEC. 3. That it shall be the duty of the said Auditor to audit the accounts, and issue his warrant upon the Treasurer of State for the *per diem* of the officers of the Senate and House of Representatives, and their assistants and appointees, including clerks and other assistants to committees, upon the certificate of the President of the Senate, when elected or employed by the Senate, and, upon the certificate of the Speaker of the House of Representatives, when elected, appointed or employed by the House: *Provided*, That such officers and their assistants and appointees, except the pages, shall be allowed the sum of five dollars per day each: *And provided, further*, That the pages be allowed the sum of three dollars per day each. And said officers, their assistants and appointees shall be paid as provided in the preceding section, for the payment of Senators and Representatives. And the Auditor of State shall also audit, and issue warrants to such of the members of the House of Representatives of the year 1863 as had their *per diem* reduced for absence, for the amount so reduced.

SEC. 4. And that the further sum of one hundred and thirty-five thousand dollars be appropriated out of the Treasury to repay the principal of loans made by the Governor of Indiana for the support of the Benevolent Institutions, State Prisons, &c., as follows:

To Decatur County, June 13, 1863.....	\$7,000 00
To Tippecanoe County, June 15, 1863.....	5,000 00
To Marion County, June 15, 1863.....	10,000 00

To Marion County, February 11, 1864.....	10,000 00
To Vermillion County, June 18, 1863.....	2,500 00
To Hendricks County, January 19, 1863.....	6,550 00
To Hendricks County, July 15, 1863.....	3,450 00
To Henry County, June 23, 1863.....	6,000 00
To Lake County, June 23, 1863	1,000 00
To Parke County, June 23, 1863.....	2,000 00
To Fayette County, June 24, 1863.....	5,000 00
To Lagrange County, June 27, 1863.....	4,000 00
To Wabash County, June 29, 1863.....	10,000 00
To S. Reed and and others, citizens of Wayne County, August 3, 1863.....	20,000 00
To Delaware County, August 4, 1863.....	5,000 00
To Warren County, August 24, 1863.....	2,500 00
To Boone County, September 25, 1863.....	1,200 00
To Boone County, January 14, 1864.....	3,800 00
To Hamilton County, January 27, 1864.....	2,000 00
To Terre Haute & Richmond Rail Road Company, October 30, 1863.....	15,000 00
To W. R. McKeen, January 19, 1864....	10,000 00
To St. Joseph County, February 5, 1864.....	3,000 00
Grand Total.....	\$135,000 00

With interest at six per cent. per annum from date loans were received, until date of repayment, except on \$20,000 00, borrowed from citizens of Wayne County, on which interest has been paid to August 3, 1865, and on which loan interest shall be deducted at six per cent. from date principal is repaid to said 3d day of August, 1865.

SEC. 5. It is hereby declared that an emergency exists for the immediate taking effect of this act, and the same shall take effect and be in force from and after its passage. Emergency de-
clared.

CHAPTER L.

AN ACT providing for the completion of the unfinished business of any session of the General Assembly, by the next succeeding special session of the same General Assembly.

[APPROVED, MARCH 4, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the business of any regular or special session of the General Assembly, on the calendar or files of*

either House, and remaining unfinished at the expiration of such session, shall, at the next succeeding special session of the same General Assembly, be transferred to the calendar of the House in which it was pending, in the same order in which such business stood at the termination of such regular or special session, and such unfinished business may, at such special session, be taken up, transacted and disposed of, in the same manner it might have been taken up, transacted and disposed of, at such preceding, regular or special session, subject, however, to such changes, in the rules of procedure, as either House may see proper to make.

Emergency declared.

SEC. 2. An emergency is declared to exist for the immediate taking effect of this act, wherefore the same shall take effect and be in force from and after its passage.

CHAPTER LI.

AN ACT to amend the second section of an act, entitled "an act to amend the 5th and 6th sections of an act, entitled 'an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court,' and for the compensation of such Reporter," approved February 28, 1855; and, also, to amend the 7th section of an act, entitled "an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter," approved February 5, 1852.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section second of an act, entitled an act to amend the 5th and 6th sections of an act, entitled an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter, approved February 28, 1855, and which reads as follows:

Sec. 2 recited.

"Section 2. *And be it enacted*, That said section six, of said act, which reads as follows: The account of the Reporter shall be audited and paid out of any money in the treasury not otherwise appropriated, at the rate of three dollars for each bound volume, and for each stitched copy as provided in the 4th section of this act, at the same rate per printed page, estimating a bound volume at six hundred pages, be, and the same is hereby, amended so as to read as follows: The account of the Reporter shall be audited and paid out of any money in the treasury, not otherwise appropriated, at the rate of one-half cent for each page of printed matter in each

bound volume, and for each stitched copy as provided in the 4th section of this act, at the same rate per printed page," be amended so as to read as follows:

SEC. 2. The account of the Reporter shall be audited and paid out of any money in the treasury, not otherwise appropriated, at the rate of three-fourths of a cent for each page of printed matter in each bound volume, and for each stitched copy as provided in the 4th section of this act, at the same rate per printed page, and the last preceding Reporter shall be allowed the balance to make the price of the 21st and 22d volumes of Indiana Reports the same as in this section allowed.

How amended.
At what rate reporter to be paid.

Allowance of last reporter.

SEC. 2. [3.] *Be it further enacted*, That section 7 of an act, entitled an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter, approved February 5, 1852, which reads as follows:

"Section 7. The Reporter shall be entitled to the use of the manuscript opinions written by the judges, and of the records, briefs and other papers filed in the office of the Clerk of the Supreme Court, for the purpose of making out his reports; and he shall, also, be entitled to the exclusive copy right of each volume of Reports published by him, and he shall receive no other compensation from the State for his services: *Provided, however*, That nothing in this act shall be so construed as to prevent any public newspaper of this State, from publishing brief abstracts of the decisions of the Supreme Court, or the Legislature, or the Judges of said Court from directing the publication of any particular decision thereof, if deemed of public importance. Said Reporter shall receive for every volume of the size and description hereinbefore provided, except those for the use of the State, such price as may be agreed upon by the purchasers, not exceeding three dollars; and it shall not be lawful for him, directly or indirectly, to receive, or any other person to receive, any greater price per volume," be amended to read as follows:

Sec. recited.

SEC. 7. The Reporter shall be entitled to the use of the manuscript opinions written by the Judges, and of the records, briefs, and other papers filed in the office of the Clerk of the Supreme Court, for the purpose of making out his reports, and he shall, also, be entitled to the exclusive copy right of each volume of Reports published by him, after the same is published, and he shall receive no other compensation from the State for his services: *Provided, however*, said reporter shall receive, for every volume of the size and description hereinbefore provided, except those for the use of the State, such price as may be agreed upon by the purchaser, not exceeding four dollars and fifty cents, and it shall not be lawful for him, directly or indirectly, to receive, or any other person to receive, any greater price per volume.

How amended.

Proviso.

CHAPTER LII.

AN ACT to amend the second, sixth and seventh sections of an act entitled, "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855.

[APPROVED MARCH 6, 1865.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the second section of an act entitled, "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, which is now in the words following, to-wit:

Sec. 2 recited.

"Section 2. *Be it further enacted*, That any persons may voluntarily associate themselves together for either of the following purposes:

First. To establish and maintain horticultural, literary, scientific, hotel or gymnastic associations.

Second. To organize military or fire companies.

Third. To provide suitable grounds for the burial of the dead, for public walks or commons, and to ornament the same with shade trees and shrubbery.

Fourth. To plant, cultivate and preserve shade trees in the public squares and along the streets of towns.

Fifth; To organize Masonic and Odd Fellows Lodges, subordinate to their several Grand Lodges, and also Divisions of the Sons and Daughters of Temperance, or other charitable associations or orders, and to organize churches, conferences and religious societies.

Sixth. To erect and maintain suitable buildings for public buildings.

Seventh. To import horses, cattle, sheep, hogs and other animals for agricultural purposes;" be, and the same is hereby amended so as to read as follows, to-wit:

How amended.
For what purposes persons may voluntarily associate themselves together.

SEC. 2. *Be it further enacted*, That any persons may voluntarily associate themselves together for either of the following purposes:

First. To establish and maintain horticultural, literary, scientific, hotel or gymnastic associations.

Second. To organize military or fire companies.

Third. To provide suitable grounds for the burial of the dead, for public walks and commons, and to ornament the same with shade trees and shrubbery.

Fourth. To plant, cultivate and preserve shade trees in the public squares and along the streets of towns.

Fifth. To organize Masonic and Odd Fellows' Lodges, subordinate to their several Grand Lodges, and also Divisions of

the Sons and Daughters of Temperance, or other charitable associations or orders, and to organize churches, conferences, and religious societies.

Sixth. To erect and maintain suitable buildings for public meetings, concerts, fairs, and theatrical, operatic or other exhibitions.

Seventh. To import horses, cattle, sheep, hogs and other animals for agricultural purposes.

SEC. 2. That the sixth section of the said act, entitled and approved as aforesaid, which is now in the words following, to-wit :

"Section 6. Every such corporation shall have power to acquire, Sec. 6 recited. by purchase or otherwise, hold, and convey, such real and personal property as may be necessary and proper for the purpose of erecting, furnishing and keeping in repair buildings for its occupancy, and for other specific purposes of such corporation: *Provided*, That the annual value of the increase of the property of any such corporation does not exceed five thousand dollars," be and the same is hereby amended to read as follows:

SEC. 6. Every such corporation shall have power to How amended. acquire, by purchase or otherwise, hold, use, enjoy and convey, such real and personal property as may [be] necessary and proper for the purpose of erecting, furnishing and keeping in repair the buildings for the occupancy, use or other specific purposes of such corporation; and any parts of such buildings as may not be needed by such corporation for its specific purposes, such corporation shall have full power to rent, or lease, or otherwise dispose of, and to receive and collect, and use and enjoy, the rents, issues and profits arising therefrom.

SEC. 3. That the seventh section of the said act, entitled and approved as aforesaid, which is now in the following words :

"Section 7. Such corporation may, at its discretion, divide their Sec. 7 recited. stock or corporate property into shares, not exceeding thirty dollars each, and determine the manner in which the same may be holden and conveyed," be and the same is hereby amended to read as follows:

SECTION 7. Such corporation may, at its discretion, divide How amended. its stock or corporate property into shares, not exceeding one hundred dollars each, and determine the manner in which the same may be holden and conveyed.

SEC. 4. It is hereby declared that an emergency exists, Emergency. requiring the immediate taking effect of this act; therefore, this act shall take effect and be in force from and after its passage.

CHAPTER LIII.

AN ACT to provide for the clothing, and other personal expenses, of the pupils of the benevolent institutions of the State, and providing for the manner of their removal to and from said institutions, in certain cases therein specified, and the manner of collecting the expenses therefor.

[APPROVED MARCH 6, 1865.]

Certificate of residence to accompany application for admission into benevolent institutions.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever application is made for the admission of any blind or deaf mute person into the State Institution for the Education of the Blind, or that for the Deaf and Dumb, and the Hospital for the Insane, as a beneficiary of the privileges thereof, such application shall be accompanied by the certificate of a justice of the peace, that such person is a legal resident of the county of the State of Indiana in which it is claimed that he or she resides.

Pupils—by whom clothed.

SEC. 2. That when such person shall, upon proper application, be admitted as a pupil of either of the Institutions named, it shall be the duty of his parents, guardians, or other friends, to suitably provide him with clothing, at the time of his entrance into the school, and during his continuance therein; also to defray his traveling expenses to and from the Institution, not only at the time of his first entrance, and final departure, but at any other time when it shall become necessary for him to leave or return to the school.

Traveling expenses—by whom paid.

SEC. 3. That, in all cases where suitable clothing, and means for defraying traveling expenses, are not otherwise supplied to the pupils of said Institutions, the same shall be provided by the respective Superintendents thereof, who shall make out, and file with the Treasurer of State, accounts therefor, separate in each case, against the respective counties from which such pupils are sent, in an amount not exceeding forty dollars per annum for every such pupil, which accounts shall be severally signed by the proper Superintendent, and attested by the seal of the Institution under his charge; and the Treasurer of State shall charge each account, thus certified, to the county from which the pupil named therein was sent, and credit the amount to the current expense fund of the proper institution.

In what cases clothing to be furnished and traveling expenses paid by Superintendent. Superintendents to file accounts thereof with State Treasurer.

Account not to exceed \$40 dollars per annum per pupil. Accounts to be signed by Superintendent and attested. Treas'r. of State to charge acct to proper county and charge amt. to expense fund of institution. Treas'r of State to forward acct's to County Treas. Accounts to be paid out of Co. Treasury to Tr. of State.

SEC. 4. The Treasurer of State shall forward each account so filed with him to the Treasurer of the proper county, who shall cause it to be paid out of the County Treasury to the Treasurer of State; and such County Treasurer shall, in the name of the county, and by suit of, [if] necessary, collect the

amount of such account from the parents or estate of such pupil, as the case may be, where there is ability to pay: *Provided*, that at least three hundred dollars of the property of such parents shall be exempt from the payment of such account.

County Treas'r.
to collect money
from parents,
&c.
Proviso.

SEC. 5. In case of the death of any pupil at either of the Institutions aforesaid, whose funeral expenses are not otherwise provided for, an account therefor shall be made out, attested, and collected, in like manner as provided in the preceding sections of this act.

Funeral ex-
penses.

SEC. 6. That whenever it shall be deemed necessary by the proper officers of either of the said Institutions, in accordance with the by-laws and regulations thereof, to have any pupil removed, either temporarily on account of ill-health, or the vacation of the school, or permanently on account of having completed his course of instruction, or been found disqualified from any cause for a longer continuance in the school, the parents or guardians of such pupil, if he have any, shall promptly remove him upon the requirement of said officers; and in case he shall not be thus provided for, it shall be the duty of the Superintendent of such Institution to cause him to be so removed and delivered to the Trustee of the Township where he resided before coming to said Institution; and the expense of such removal shall be refunded to each Institution, in the same manner as provided in sections three and four; and the County Treasurer shall charge the same to the proper township, and collect it in the manner as provided in sections three and four of this act.

Removal of pu-
pils—expenses
thereof by whom
paid.

SEC. 7. All laws, and parts of laws, coming in conflict with this act, be, and the same are hereby repealed.

Repealing clause

SEC. 8. There being no law in force governing the matters herein provided for, it is hereby declared that an emergency exists for the immediate taking effect of this act, it shall, therefore, take effect, and be in force, from and after its passage.

Emergency.

CHAPTER LIV.

AN ACT to legalize the issuing of bonds, and making appropriations, and the levy and assessment for taxes in certain cases; and making it unlawful, after the quota of the State, on the present call, is filled, for Boards of County Commissioners or the Municipal Authorities of incorporated towns and cities, to pay any money out of their treasuries, or the issue of any bonds, orders, or evidences of indebtedness, to give bounties to volunteers, drafted men or substitutes.

[APPROVED MARCH 3, 1865.]

Acts of County Commissioners legalized in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all bonds or orders heretofore issued, or appropriations made, by and under the authority of the Boards of Commissioners of the several Counties of this State, and the incorporated cities and towns thereof, for the purpose of procuring or furnishing volunteers and drafted men for the army or navy of the United States, or for maintaining the families of volunteers, soldiers, substitutes or drafted men, or otherwise to aid the Government in suppressing the rebellion, be, and the same are hereby, ratified, affirmed and legalized.

Proviso.

SEC. 2. That any levy and assessment for taxes, made by any incorporated city or town, or Board of County Commissioners of any County of this State, to procure means to pay any appropriations by them made, or bonds and orders issued for the purposes in the foregoing section enumerated, be, and the same are hereby, legalized: *Provided*, That the Boards of Commissioners of such Counties, and the Municipal Authorities of cities and towns as may have issued bonds or orders, or made appropriations for the purposes enumerated in the first section of this act, be, and they are hereby, required to levy and collect a tax sufficient to pay at least one-fourth of the amount of such bonds, orders and appropriations, in each of the years 1865, 1866, 1867 and 1868, which said taxes shall be levied and collected as other county taxes are levied and collected, and when so collected shall be applied to the payment of such bonds, orders and appropriations in equal proportion to the amount of such bonds, orders and appropriations: *Provided, further*, That the provisions of this act shall not be construed to cover or include debts contracted by individuals, to relieve themselves from any draft that has heretofore taken place, nor shall the same be construed to authorize the assumption or payment of such debts by any county, town or city; but the provisions of this act are intended to apply to the action of counties, towns and

Further proviso

cities, who have acted through their legally constituted authorities, and have issued their bonds, orders or other evidences of indebtedness, to raise money to pay bounties to volunteers and drafted men, who have entered the military service of the United States, or to maintain and support the families of volunteers, drafted men and substitutes: *And provided,* Further proviso *further,* That where such action shall become necessary or proper to carry into effect the intentions and purposes of this act, it shall be lawful for the Boards of Commissioners of any county, or the Municipal Authorities of any incorporated town or city, which may have issued bonds and orders as aforesaid, to hereafter make such order or orders as may be necessary to conform, ratify or legalize such bonds and orders, and make them valid and binding as subsisting debts against such county, town or city.

SEC. 3. After the quota of troops now due from this State, on the last call of the President of the United States, for three hundred thousand men, is filled, it shall be unlawful for any Board of Commissioners of any county, or the Municipal authorities of any city or town, of this State, to make any appropriations from their respective treasuries, or to issue any bonds, orders, or other evidences of indebtedness, for the purpose of paying bounties to volunteers, drafted men or substitutes, who have, or may hereafter, enter the military service of the United States. After quota of troops, &c.,

SEC. 4. *And be it further enacted,* That all orders and obligations for the purpose aforesaid, made, or entered into, by any Township Trustee, and all taxes which have heretofore, or which may hereafter be levied for the payment of such indebtedness by the Township Trustee, with the approval of the Board of Commissioners of the county, be and the same are legalized and authorized.

SEC. 5. It is hereby provided that in all cases of taxes assessed and charged to pay all such debts as are named in this act, on the property of persons who have been, or are now in the naval, marine or military service of the United States in the present war for suppressing the Southern rebellion, or their families or descendants, not including substitutes, or those who have not served one year, or those who received bounties from counties to the amount of three hundred dollars or over, the services of such person so being or having been in the military service, shall be deemed equal to such taxes, and said taxes shall be satisfied and discharged on the order of the Board of Commissioners of the proper county, or in vacation of said Board, on the order of the County Auditor. *Provided,* That the provisions of this section shall not extend to or embrace commissioned officers. Who to be discharged from taxation. Proviso.

SEC. 6. That all laws and parts of laws coming in conflict with the provisions of this act, are hereby repealed. Acts repealed.

Emergency de-
clared.

SEC. 7. Whereas, an emergency exists for the immediate taking effect of this act; therefore the same shall take effect and be in force, from and after its passage, and publication in the Indianapolis Daily Journal and Indianapolis State Sentinel.

NOTE.—The above act was published in the Indiana State Journal and Sentinel, March 4, 1865.

CHAPTER LV.

AN ACT to amend section 1 of an act entitled "an act relative to the salaries of public officers, and providing the manner of paying the same and the manner of reimbursing the State for an increase of salaries," approved March 5, 1859.

[APPROVED MARCH 4, 1865.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 1 of an act entitled "an act relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries," approved March 5, 1859, which reads as follows :

Section recited. Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be allowed to the several officers of government, and persons hereinafter mentioned, the following annual salaries, to be paid quarterly out of any moneys in the Treasury belonging to the General Fund, and not specially otherwise appropriated by law :

First. To the Governor, three thousand dollars.

Second. To the Treasurer of State, three thousand dollars.

Third. To the Auditor of State, two thousand five hundred dollars.

Fourth. To the Secretary of State, two thousand dollars.

Fifth. To the President of the Sinking Fund, three thousand dollars, to be paid out of the Sinking Fund.

Sixth. To the Governor's Private Secretary, five hundred dollars.

Seventh. To the Superintendent of Public Instruction, thirteen hundred dollars.

Eighth. To the State Librarian, eight hundred dollars.

Ninth. To the Superintendent of the Insane, twelve hundred dollars.

Tenth. To the Superintendent of the Deaf and Dumb, one thousand dollars.

Eleventh. To the Superintendent of the Blind, eight hundred dollars.

Twelfth. To the Warden of the State Prison, fifteen hundred dollars.

Thirteenth. To the Moral Instructor of the State Prison, eight hundred dollars.

Fourteenth. To the Physician of the State Prison, eight hundred dollars, to be paid out of the proceeds of the State Prison.

Fifteenth. To the Adjutant and Quartermaster Generals, each twenty-five dollars.

Sixteenth. To the Judges of the Supreme Court, each two thousand dollars.

Seventeenth. To the Judges of the Circuit Court, each fifteen hundred dollars.

Eighteenth. To the Prosecuting Attorneys, each five hundred dollars.

Nineteenth. The Auditor of State is hereby authorized to employ two Clerks at one thousand dollars each per annum, and one Clerk at six hundred dollars per annum; the Treasurer of State one Clerk at eight hundred dollars per annum, and the Secretary of State one Clerk at eight hundred dollars per annum—be and the same is hereby amended so as to read as follows, to-wit:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be allowed to the several officers of the government, and persons hereinafter mentioned, the following annual salaries, to be paid quarterly out of any moneys in the Treasury belonging to the General Fund, and not specially otherwise appropriated by law. How amended.

First. To the Governor, three thousand dollars.

Second. To the Treasurer of State, three thousand dollars.

Third. To the Auditor of State, two thousand five hundred dollars.

Fourth. To the Secretary of State, two thousand dollars.

Fifth. To the President of the Sinking Fund, three thousand dollars, to be paid out of the Sinking Fund.

Sixth. To the Governor's Private Secretary, five hundred dollars.

Seventh. To the Superintendent of Public Instruction, fifteen hundred dollars.

Eighth. To the State Librarian, eight hundred dollars.

Ninth. To the Superintendent of the Insane, twelve hundred dollars.

Tenth. To the Superintendent of the Deaf and Dumb, one thousand dollars.

Eleventh. To the Superintendent of the Blind, eight hundred dollars.

Twelfth. To the Warden of the State Prison, fifteen hundred dollars.

Thirteenth. To the Moral Instructor of the State Prison, eight hundred dollars.

Fourteenth. To the Physician of the State Prison, eight hundred dollars, to be paid out of the funds of the prison.

Fifteenth. To the Judges of the Supreme Court, each three thousand dollars.

Sixteenth. To the Judges of the Circuit Court, each two thousand dollars.

Seventeenth. To the Judges of the Common Pleas Court, each fifteen hundred dollars, to be paid in the manner now provided by law.

Eighteenth. To the Prosecuting Attorneys, each five hundred dollars.

State officers
may employ
clerks.

Nineteenth. The Auditor of State is hereby authorized to employ two Clerks at one thousand dollars each per annum, and one Clerk at six hundred dollars per annum; the Treasurer of State one Clerk at eight hundred dollars per annum, and the Secretary of State one Clerk at eight hundred dollars per annum.

Acts repealed.

SEC. 2. All acts and parts of acts now in force, and not in conformity with this act, are hereby repealed.

Not to effect offi-
cers' salaries
established by
law.

SEC. 3. That nothing in this act shall be so construed as to affect the salaries of any officers as now established by law, except Judges of the Supreme, Circuit, and Common Pleas Courts, and the Superintendent of Public Instruction.

Emergency de-
clared.

SEC. 4. It is hereby declared that an emergency exists for the immediate taking effect of this act, it is therefore hereby declared that the same shall take effect and be in force from and after its passage and publication in the Indianapolis Daily Journal and Indianapolis State Sentinel.

NOTE.—Published in the Indiana State Journal and Sentinel, March 10, 1865.

JOINT RESOLUTIONS
OF THE
GENERAL ASSEMBLY OF INDIANA.

JOINT RESOLUTION No. 2.

A JOINT RESOLUTION proposing an amendment to article eight of the Constitution, so as to enable cities and towns to levy taxes for the support of Common Schools.

[APPROVED, MARCH 6, 1865.]

Be it resolved by the General Assembly of the State of Indiana, That the following amendment be proposed to the Constitution of the State, and be agreed to, and submitted to the electors for their adoption or rejection: Provided the same is agreed to by a majority of all the members elected to each House of the General Assembly chosen at the next general election:

That there be added to Article Eight of the Constitution the following section:

Incorporated cities and towns shall have power, by taxation, under regulations prescribed by the General Assembly to raise revenue for the support of Common Schools, in addition to the revenue derived for that purpose from the State.

JOINT RESOLUTION No. 5.

A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress, to secure the passage of a law, placing certain persons therein named upon the pension rolls.

[APPROVED FEBRUARY 9, 1865.]

WHEREAS, The State of Indiana has, at different times, been invaded by the forces of the enemy engaged in rebellion against the authority of the Government of the United States, and, owing to the absence of regularly organized

forces of the United States, the citizens of the State have been compelled to organize themselves to repel such invasion.

AND WHEREAS, Said citizens, whether as regularly organized militia, or members of independent companies, have, or may have occasionally met the enemy, and engaged them in battle, and in such engagements, and otherwise in said services, many of such citizens have been injured or wounded, and others lost their lives ; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators be instructed, and our Representatives in Congress requested, to do all in their power to secure the passage of an act of Congress placing all persons so injured, and the families of those so killed, upon the pension rolls of the United States Government, upon an equality with persons who have been so injured, or the families of such persons so killed in the service of the army of the United States.

JOINT RESOLUTION No. 7.

A JOINT RESOLUTION instructing our Senators, and requesting our Representatives in Congress, to endeavor to obtain an appropriation for the improvement of the harbor at Michigan City.

[APPROVED JANUARY 31, 1865.]

WHEREAS, The State of Indiana has no port of entry in the north, upon the great lakes touching her northern boundary.

AND WHEREAS, The north is conceded by all to be the great natural outlet for her cereals and numerous abundant productions ; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives be requested, to use all proper means to procure the passage of an act granting an appropriation for the completion of the harbor at Michigan City.

Resolved, That his Excellency, the Governor, be requested to transmit a copy of these resolutions to each of our Senators and Representatives in the Congress of the United States.

JOINT RESOLUTION, No. 10.

A JOINT RESOLUTION, relative to the establishment of a Bonded Tobacco Warehouse, at Evansville, Indiana.

[APPROVED FEBRUARY 14, 1865.]

WHEREAS, The shipments of tobacco in hogsheads by railroad from Evansville, Indiana, have steadily increased from 7,353 hogsheads in 1860, to 32,964 hogsheads in 1864; that leaf tobacco is now bought, sold and pressed, in great quantities, and that a Tobacco, Inspection and Sales Warehouse is now being established in said city of Evansville;

AND WHEREAS, a proposition is now before the Congress of the United States, for the establishment, (in connection with the proposed tax on tobacco,) of Bonded Tobacco Warehouses, at Louisville and Paducah, Ky., and St. Louis, Mo.; therefore,

Be it Resolved by the General Assembly of the State of Indiana, That our Representatives in Congress be requested, and our Senators instructed, in the case of the passage of any such commercial measure, to urge upon Congress that the City of Evansville shall be an equal participant in all its benefits; and that the Governor of this State be requested to forward to each of our Senators and Representatives in Congress, a copy of this Joint Resolution.

JOINT RESOLUTION, No. 11.

A JOINT RESOLUTION, requesting the Governor to appoint a suitable person to revise and correct the Swamp Land Books of the State of Indiana, in the office of the Auditor of State.

[APPROVED MARCH 6, 1865.]

WHEREAS, The Tract Books of Swamp Lands, belonging to the State, in the office of the Auditor of State, and of the several county offices, have, for various reasons, become unreliable, so that it is impossible, in many instances, to determine whether lands are vacant or not, or if sold, who are the owners thereof; therefore,

Be it Resolved by the General Assembly of the State of Indiana, That the Governor be authorized and requested to appoint some suitable person to revise and correct the Tract

and Sale Books of the Swamp Lands, so that the same will show by counties, the quantity and descriptions, the name and date of the purchaser thereof, the expense thereof to be certified by the Governor, and paid out of the Swamp Land Fund.

JOINT RESOLUTION, No. 12.

A JOINT RESOLUTION in behalf of the Grand Rapids and Indiana Rail Road Company, asking that an extension of time be granted by the Congress of the United States to said Company to enable them to complete the construction of their road.

[APPROVED FEBRUARY 7, 1865.]

WHEREAS, By an act of Congress, approved June 3, 1856, lands were granted to the State of Michigan for the purpose of building a railroad from the city of Grand Rapids, in said State, to some point on or near Traverse Bay.

AND WHEREAS, By an act of the Legislature of the State of Michigan, approved February 14, 1857, said grant of land was conferred upon the Grand Rapids and Indiana Railroad Company, a corporation, the corporate rights and privileges of which extend from the city of Fort Wayne, in the State of Indiana, by the way of Sturges, Grand Rapids, and Traverse Bay, to the Straits of Mackinaw.

AND WHEREAS, The said Grand Rapids and Indiana Rail Road Company has proceeded with the construction of said railroad by means of local subscriptions, and has already expended three hundred thousand dollars, or more, in the prosecution of said work, and are still prosecuting the same.

AND WHEREAS, The time fixed by said act of Congress for the completion of said road expires on the 3d day of June, A. D. 1866.

AND WHEREAS, In view of the great amount of means already expended on said work by citizens on the line of said road, and the great difficulties which have, and do now attend the construction of the said road and all other railroads, interposed by, and growing out of the present rebellion against the Government and authority of the United States; therefore,

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed,*

and our Representatives in Congress requested, to procure the passage of a law extending the time for the completion of said railroad by said Grand Rapids and Indiana Railroad Company, for the term of five years from the 3d day of June, 1866, as aforesaid.

SEC. 2. *Resolved*, That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of this Joint Resolution.

JOINT RESOLUTION No. 16.

A JOINT RESOLUTION accepting and ratifying certain amendments to the Constitution of the United States, proposed by Congress to the Legislatures of the several States.

[APPROVED, FEBRUARY 16, 1865.]

WHEREAS, Congress has, by a two-thirds vote, proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of said States, shall be valid, to all intents and purposes, as a part of said Constitution, namely :

“ARTICLE XIII.

“SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

“SEC. 2. Congress shall have power to enforce this article by appropriate Legislation ;” approved February 1, 1865 ; therefore,

Be it resolved by the General Assembly of the State of Indiana, That said proposed amendments to the Constitution of the United States are hereby accepted and ratified, on the part of the State of Indiana.

STATE OF INDIANA, SS: }
OFFICE OF SECRETARY OF STATE, }

I, Nelson Trusler, Secretary of State for the State of Indiana, certify that I have compared the foregoing printed with the enrolled Acts and Joint Resolutions from which the same were taken, now on file in my office, and have found them correctly printed. Words included [thus] were by me inserted to aid the sense.

In testimony whereof, I have hereunto set my hand,
and affixed the seal of the said State of Indiana,
[SEAL.] at the city of Indianapolis, this sixteenth day of
May, A. D., 1865.

NELSON TRUSLER,
Secretary of State.

APPENDIX.

ABSTRACTS FROM THE AUDITOR'S REPORT FOR THE YEAR 1863.

A GENERAL STATEMENT of the Receipts and Expenditures during the fiscal year commencing November 1, 1862, and ending October 31, 1863.

RECEIPTS.

There was remaining in the Treasury November 1, 1862. \$376,474 42

During the year ending October 31, 1863, the following sums have been received :

REVENUE.

On account of revenue of 1862.....	\$321,140 82	
On account of revenue of 1861.....	2,050 00	
On account of revenue of 1860.....	1,109 21	
On account of delinquent revenue of 1862.....	29,430 81	
On account of delinquent revenue of 1861.....	112,005 76	
		<u>\$765,736 60</u>

STATE DEBT SINKING FUND.

On account of tax of 1862.....	\$248,214 05	
On account of tax of 1860.....	206 05	
On account of delinquent tax of 1862.....	11,011 69	
On account of delinquent tax of 1861.....	40,091 41	
		<u>\$299,523 20</u>

COMMON SCHOOL FUND.

On account of tax of 18 2.....	\$423,467 95	
On account of tax of 1860.....	669 52	
On account of delinquent tax of 1862.....	21,654 05	
On account of delinquent tax of 1861.....	85,498 68	
On account of school fund interest.....	110,119 71	
On account of liquor licenses.....	50,777 28	
On account of unclaimed fees.....	747 58	
On account of school distribution refunded.....	50 00	
		<u>\$697,975 75</u>

COLLEGE FUND.

On account of principal.....	\$19,816 09	
On account of interest.....	7,645 53	
On account of damages.....	558 68	
On account of costs.....	124 00	
On account of excess of sales.....	2,100 86	
		<u>\$30,145 16</u>

SALINE FUND.

On account of principal.....	\$1,402 19	
On account of interest.....	648 70	
On account of damages.....	14 25	
On account of costs.....	10 00	
On account of excess of sales.....	118 75	
		<u>\$2,193 89</u>

ABSTRACTS FROM THE

BANK TAX FUND.

On account of principal.....	\$601 17	
On account of interest.....	474 17	
On account of damages.....	42 68	
On account of costs.....	6 00	
		\$1,124 02

CONGRESSIONAL TOWNSHIP FUND.

On account of principal.....	\$250 00
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SURPLUS REVENUE FUND.

On account of principal.....	\$350 00	
On account of interest.....	103 22	
On account of damages.....	18 72	
On account of costs.....	2 00	
On account of excess of sales.....	29 78	
		\$503 72

TREASURY FUND.

On account of principal.....	\$574 20	
On account of interest.....	866 95	
On account of damages.....	69 60	
On account of costs.....	1 75	
		\$1,512 50

PUBLIC INSTITUTIONS.

On account of Insane Hospital.....	\$5,415 02	
On account of Asylum for the Deaf and Dumb.....	47 73	
On account of Asylum for the Blind.....	1,320 74	
On account of State Prison south.....	20,046 09	
		\$27,203 63

MILITARY.

On account of Arsenal.....	\$136,593 16	
On account of special military fund.....	181 49	
On account of military contingent fund.....	8,822 20	
On account of State arms.....	237,269 30	
On account of military bonds.....	2,038 74	
On account of military fund.....	451 27	
		\$385,356 16

MISCELLANEOUS.

On account of swamp lands.....	\$4,578 22	
On account of University lands.....	3,237 11	
On account of suspended debt.....	1,881 65	
On account of docket fees for Circuit Courts.....	3,067 78	
On account of docket fees for Supreme Court.....	382 00	
On account of free banking.....	2,474 77	
On account of fuel and stationery.....	60 00	
On account of executive.....	97 47	
On account of legislation.....	5,330 72	
On account of colonization.....	250 00	
On account of delinquent library tax.....	9 38	
On account of Indiana Reports.....	25 60	
		\$21,374 70
Total receipts from November 1, 1862, to October 31, 1863, including balance on hand November 1, 1862.....		\$3,109,373 75

DISBURSEMENTS.

The disbursements during the fiscal year ending Oct. 31, 1863, have been as follows:

ORDINARY EXPENDITURES.

On account of legislative expenses.....	\$76,961 46
On account of Judiciary.....	25,822 00
On account of Executive.....	18,359 57

On account of Prosecuting Attorneys.....	5,935 99	
On account of State Library.....	265 27	
On account of expenses of Supreme Court.....	560 00	
On account of public printing.....	15,143 27	
On account of Indiana Reports.....	5,836 46	
On account of fuel and stationery.....	3,378 00	
On account of State house.....	361 90	
On account of Contingent Fund.....	3,004 42	
On account of Sheriff's mileage.....	4,692 43	
		<hr/> \$160,310 77

MILITARY EXPENDITURES.

On account of Military Contingent Fund.....	\$49,039 09	
On account of Special Military Fund.....	17,701 13	
On account of Arsenal.....	136,548 25	
On account of Military Fund.....	42,276 36	
On account of State arms.....	318,107 89	
		<hr/> \$563,672 74

OFFICE EXPENDITURES.

On account of Secretary's office.....	\$398 28	
On account of Auditor's office.....	602 02	
On account of Treasurer's office.....	937 64	
On account of Superintendent's office.....	205 17	
		<hr/> \$2,143 11

PUBLIC INDEBTEDNESS.

On account of interest on military bonds.....	\$110,295 00	
On account of State debt interest.....	320,000 00	
On account of interest on Sinking Fund bond.....	71,293 18	
On account of salary of Agent.....	1,250 00	
On account of expenses of agency.....	4,000 00	
On account of State Debt Sinking Fund.....	50,000 00	
On account of interest on University bonds.....	1,907 55	
On account of loan account.....	263,524 50	
On account of military bonds (proceeds refunded).....	1,685 39	
		<hr/> \$823,955 62

PUBLIC INSTITUTIONS.

On account of the Hospital for the Insane.....	\$21,904 85	
On account of the Asylum for the Deaf and Dumb.....	14,612 42	
On account of Asylum for the Blind.....	5,924 50	
On account of State Prison south.....	28,777 03	
On account of State Prison north.....	1,221 66	
		<hr/> \$72,440 56

COLLEGE FUND.

On account of principal.....	\$16,000 05	
On account of interest.....	161 47	
On account of damages.....	285 67	
On account of costs.....	118 20	
On account of excess.....	2,100 86	
On account of expense.....	793 98	
Professors' salaries.....	6,925 00	
		<hr/> \$26,374 23

SALINE FUND.

On account of costs.....	\$ 10 80	
On account of expense.....	231 34	
		<hr/> \$242 14

BANK TAX FUND.

On account of costs.....	\$ 3 60	
On account of expense.....	136 87	
		<hr/> \$140 47

ABSTRACTS FROM THE AUDITOR'S REPORT.

SURPLUS REVENUE FUND.

On account of principal distributed, DeKalb county.....	\$950 33	
On account of principal distributed, Wells county.....	950 33	
On account of costs.....	1 80	
On account of expense.....	68 08	
	<hr/>	\$1,170 54

CONGRESSIONAL TOWNSHIP FUND.

On account of interest refunded.....	\$17 50
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COMMON SCHOOL FUND.

On account of distribution of fund.....	\$789,168 28	
On account of tax of 1860 refunded.....	106 32	
On account of interest refunded.....	2,304 61	
	<hr/>	\$791,639 21

REVENUE.

On account of revenue of 1862 refunded.....	\$24,521 61	
On account of revenue of 1860 refunded.....	501 63	
	<hr/>	\$25,023 24

SINKING FUND.

On account of tax of 1860 refunded.....	\$14 38
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MISCELLANEOUS.

On account of general fund.....	\$10,047 74	
On account of free banking.....	6,423 31	
On account of University lands.....	3,169 57	
On account of swamp lands.....	11,827 59	
On account of colonization.....	6,000 00	
On account of distribution of laws.....	376 90	
On account of specific appropriations.....	569 10	
On account of fees.....	22 94	
On account of agricultural premiums.....	2,000 00	
On account of Roll of Honor.....	250 00	
On account of delinquent library tax.....	4 98	
On account of miscellaneous.....	10 00	
	<hr/>	\$35,302 03
Whole amount audited from Nov. 1, 1862, to Oct. 31, 1863.....		\$2,503,246 53

CONDITION OF THE TREASURY.

Balance in the Treasury November 1, 1862.....	\$876,474 42	
Receipts during the year ending October 31, 1863.....	2,232,899 33	
	<hr/>	\$3,109,373 75
Amount of warrants drawn on the Treasury during the year ending October 31, 1863.....		\$2,503,246 53
	<hr/>	
Balance in Treasury October 31, 1863.....		\$606,127 22

TRUST FUNDS.

A STATEMENT of the Receipts and Disbursements on account of the various Trust Funds.

COLLEGE FUND.

Receipts.

Balance on hand November 1, 1862.....	\$6,327 18
Principal.....	19,816 09
Interest.....	7,545 63
Damages.....	558 68
Costs.....	124 00
Excess.....	2,100 86
	<u>\$36,472 34</u>

Disbursements.

Principal.....	\$16,009 05
Professors' Salaries.....	6,925 00
Excess.....	2,100 86
Expense.....	793 98
Costs.....	118 20
Damages.....	265 67
Interest.....	161 47
	<u>26,374 23</u>
Balance on hand October 31, 1863.....	<u>\$10,098 11</u>

LOAN ACCOUNT.

Loans outstanding November 1, 1862.....	\$77,335 48
Loans collected during the year.....	19,562 94
	<u>\$57,772 94</u>
Amount loaned during the year.....	16,009 06
Amount outstanding October 31, 1863.....	<u>\$73,781 59</u>

SALINE FUND.

Receipts.

Balance on hand November 1, 1862.....	\$29,166 54
Principal.....	1,402 19
Interest.....	648 70
Damages.....	14 25
Costs.....	10 00
Excess.....	118 76
	<u>\$31,360 43</u>

ABSTRACTS FROM THE

Disbursements.

Costs.....	\$10 80	
Expense.....	231 34	242 14
		<hr/>
Balance on hand October 31, 1863.....		\$31,118 29

LOAN ACCOUNT.

Loans outstanding November 1, 1862.....	\$8,635 57
Loans collected during the year.....	862 25
	<hr/>
Loans outstanding October 31, 1863.....	\$7,773 32

BANK TAX FUND.

Receipts.

Balance on hand November 1, 1862.....	\$21,501 01
Principal.....	601 17
Interest.....	474 17
Damages.....	42 68
Costs.....	6 00
	<hr/>
	\$22,625 03

Disbursements.

Costs.....	\$3 60	
Expense.....	136 87	140 47
		<hr/>
Balance on hand October 31, 1863.....		\$22,484 56

LOAN ACCOUNT.

Outstanding November 1, 1862.....	\$3,718 16
Loans collected during the year.....	601 17
	<hr/>
Loans outstanding October 31, 1863.....	\$3,116 99

CONGRESSIONAL TOWNSHIP FUND.

Receipts.

Balance on hand November 1, 1862.....	\$47 00
Principal.....	250 00
	<hr/>
	\$297 00

Disbursements.

Interest.....	17 50
	<hr/>
Balance on hand October 31, 1863.....	\$279 50

LOAN ACCOUNT.

Outstanding November 1, 1862.....	\$250 00
Loans collected during the year.....	250 00
	<hr/>

AUDITOR'S REPORT.

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SURPLUS REVENUE FUND.

Receipts.

Balance on hand November 1, 1862.....	\$2,850 98
Principal.....	350 00
Interest.....	103 22
Damages.....	18 72
Costs.....	2 00
Excess.....	29 78
	<u>\$3,364 70</u>

Disbursements.

Principal to DeKalb county.....	\$950 33
Principal to Wells county.....	950 33
Costs.....	1 80
Expenses.....	68 08
	<u>1,970 54</u>
Balance on hand October 31, 1863.....	<u>\$1,384 16</u>

LOAN ACCOUNT.

Loans outstanding November 1, 1862.....	\$1,974 65
Loans collected during the year.....	350 00
	<u>\$1,624 65</u>
Loans outstanding October 31, 1863.....	<u>\$1,624 65</u>

THREE PER CENT. FUND.

Balance same as last year.....	<u>\$32 13</u>
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FUND FROM ESTATES WITHOUT HEIRS.

Balance same as last year.....	<u>\$5,899 61</u>
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TREASURY FUND.

Receipts.

Principal.....	\$574 26
Interest.....	866 95
Damages.....	69 60
Costs.....	1 75
	<u>\$1,612 56</u>

LOAN ACCOUNT.

There is outstanding one loan of.....	<u>\$700 00</u>
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SWAMP LAND FUND.

Receipts.

Balance on hand November 1, 1862.....	\$77,614 45
Receipts from sales.....	4,578 22
	<u>\$82,192 67</u>

Disbursements.

On account of drainage, &c.....	\$11,827 59
Balance on hand October 31, 1863.....	<u>\$70,365 08</u>

COMMON SCHOOL FUND DERIVED FROM CURRENT TAXES AND INTEREST
IN TRUST FUNDS.*Receipts.*

Balance on hand November 1, 1862.....	\$283,215 84
On account of tax of 1862.....	428,467 95
On account of tax of 1860.....	660 52
On account of delinquent tax of 1862.....	21,654 05
On account of delinquent tax of 1861.....	85,498 66
On account of school fund interest.....	110,119 71
On account of liquor licenses.....	50,777 28
On account of unclaimed fees.....	747 58
On account of school distribution refunded.....	50 00
	<u>\$981,191 59</u>

Disbursements.

Distributed to counties.....	\$789,168 28
Interest refunded.....	2,364 61
Tax of 1860 refunded.....	106 52
	<u>\$791,639 21</u>
Balance on hand October 31, 1863.....	<u>\$184,552 88</u>

STATE DEBT SINKING FUND.

Receipts.

Balance on hand November 1, 1862.....	\$678,626 87
On account of tax of 1862.....	248,214 05
On account of delinquent tax of 1862.....	11,011 69
On account of delinquent tax of 1861.....	40,091 41
On account of delinquent tax of 1860.....	206 05
	<u>\$978,150 07</u>

Disbursements.

On account of purchase of bonds.....	\$50,000 00
On account of interest on military bonds.....	110,295 00
On account of tax of 1860 refunded.....	14 38
	<u>\$160,309 38</u>
Balance on hand October 31, 1863.....	<u>\$817,840 69</u>

Deduct.

On account of tax of 1861, erroneously credited.....	\$237,231 30
On account of delinquent tax of 1861, erroneously credited.....	55,154 44
	<u>\$292,385 74</u>
Actual balance due the fund.....	<u>\$525,454 95</u>

The sum of \$50,000, charged above as expended in the purchase of bonds, has, by an order of the Board of Commissioners of the State Debt Sinking Fund, been placed in the hands of the Agent of State for that purpose, but at the date of this report has not been invested.

The tax of 1861, by an act of the Legislature, should have been placed to the credit of the general fund.

PUBLIC DEBT.

The following statement of the condition of the Public Debt is furnished by the Agent of State:

BONDS SURRENDERED.

There were outstanding, on the first day of November, 1862, 387 bonds of \$1,000 each, as per preceding report.....	\$387,000 00
There has been surrendered since that time 34 bonds of \$1,000 each.....	34,000 00
	\$353,000 00
Balance outstanding.....	\$353,000 00

Five per cent. State Stock.

There has been issued on account of bonds surrendered up to the first day of November, 1862.....	5,325,500 00
There has been issued since that time, on same account.....	17,000 00
	\$5,342,500 00
Total amount November 1, 1863.....	\$5,342,500 00

Two and one half per cent. State Stock.

There has been issued on account of bonds surrendered up to the first of November, 1862.....	2,058,173 50
There has been issued since that time, on same account.....	18,287 00
	\$2,076,460 50
Total amount November 1, 1863.....	\$2,076,460 50

Five per cent. Preferred Canal Stock.

There is outstanding of this stock the same as reported last year.....	\$4,079,500 00
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Five per cent. Preferred Special Canal Stock.

There is outstanding of this stock the same as reported last year.....	\$1,216,737 50
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Five per cent. Deferred Canal Stock.

There has been issued on account of bonds surrendered up to the first day of November, 1862, as per preceding report.....	\$1,216,000 00
There has been issued since that time, on same account.....	17,000 00
	\$1,233,000 00
Total amount November 1, 1863.....	\$1,233,000 00

Five per cent. Deferred Special Canal Stock.

There has been issued on account of bonds surrendered up to the first day of November, 1862, as per preceding report.....	\$482,545 00
There has been issued since that time, on same account.....	24,225 00
	\$506,770 00
Total amount November 1, 1863.....	\$506,770 00

ABSTRACTS FROM THE AUDITOR'S REPORT FOR THE YEAR 1864.

A GENERAL STATEMENT of the Receipts and Expenditures during the fiscal year commencing November 1, 1863, and ending October 31, 1864.

RECEIPTS.

There was remaining in the Treasury November 1, 1863. \$606,127 22

During the year ending October 31, 1864, the following sums have been received :

REVENUE.

On account of revenue of 1863.....	\$926,858 74
On account of revenue of 1860.....	834 74
On account of delinquent revenue of 1863.....	24,477 56
On account of delinquent revenue of 1862.....	70,772 44
On account of delinquent revenue of 1861.....	250 97
	<hr/> \$1,029,194 45

STATE DEBT SINKING FUND.

On account of tax of 1863.....	\$382,541 05
On account of tax of 1860.....	916 61
On account of delinquent tax of 1863.....	8,972 49
On account of delinquent tax of 1862.....	39,009 63
On account of delinquent tax of 1861.....	133 64
On account of interest on stocks.....	1,075 00
	<hr/> \$423,648 42

COMMON SCHOOL FUND.

On account of tax of 1863.....	\$460,819 42
On account of tax of 1860.....	1,459 61
On account of delinquent tax of 1863.....	12,774 42
On account of delinquent tax of 1862.....	54,717 76
On account of delinquent tax of 1861.....	1,344 88
On account of school fund interest.....	99,852 67
On account of liquor licenses.....	54,319 18
On account of unclaimed fees.....	498 78
On account of school distribution refunded.....	71 36
	<hr/> \$694,858 09

COLLEGE FUND.

On account of principal.....	\$10,840 53
On account of interest.....	5,793 44
On account of damages.....	33 75
On account of costs.....	8 00
On account of sales of Seminary lands, Gibson county.....	675 00
	<hr/> \$17,350 72

SALINE FUND:

On account of principal.....	\$1,885 00
On account of interest.....	559 92
On account of damages.....	30 25
On account of costs.....	2 00
	<hr/> \$2,477 17

BANK TAX FUND.

On account of principal.....	\$300 00	
On account of interest.....	162 44	
	<hr/>	\$462 44

SURPLUS REVENUE FUND.

On account of principal.....	\$150 00	
On account of interest.....	89 22	
	<hr/>	\$239 22

TREASURY FUND.

On account of principal.....	\$700 00	
On account of interest.....	1 75	
	<hr/>	\$701 75

PUBLIC INSTITUTIONS.

On account of Hospital for the Insane.....	\$5,915 50	
On account of Asylum for the Deaf and Dumb.....	735 51	
On account of Asylum for the Blind.....	1,177 42	
On account of State Prison south.....	40,679 65	
	<hr/>	\$48,799 08

MISCELLANEOUS.

On account of swamp lands.....	\$6,064 38	
On account of University lands.....	4,524 87	
On account of suspended debt.....	4,671 10	
On account of docket fees, Circuit Court.....	2,990 55	
On account of docket fees, Supreme Court.....	642 00	
On account of special military fund.....	75,000 00	
On account of general fund.....	1,358 13	
On account of fuel and stationery.....	100 00	
On account of military contingent fund.....	184 76	
On account of State arms.....	87,229 58	
On account of colonization.....	741 51	
On account of delinquent library tax of 1855.....	2 55	
On account of Indiana Reports.....	50 40	
	<hr/>	\$183,559 82
Total receipts from November 1, 1863, to October 31, 1864, including balance on hand November 1, 1863.....		\$2,997,418 37

DISBURSEMENTS.

ORDINARY EXPENDITURES.

On account of Executive.....	\$16,761 52	
On account of legislative.....	3,846 90	
On account of Judiciary.....	28,112 64	
On account of Prosecuting Attorneys.....	7,313 27	
On account of State Library.....	541 35	
On account of expenses of Supreme Court.....	3,105 20	
On account of public printing.....	30,377 48	
On account of Indiana Reports.....	3,920 81	
On account of fuel and stationery.....	276 65	
On account of State House.....	3,887 39	
On account of Sheriff's mileage.....	4,887 77	
On account of Treasurer's Fund.....	227 77	
On account of distribution of laws.....	990 00	
	<hr/>	\$104,158 75

MILITARY EXPENDITURES.

On account of Special Military Fund.....	\$159,333 26	
On account of Military Contingent Fund.....	6,586 81	
On account of State arms.....	18,939 15	
On account of Military Fund.....	104 50	
	<hr/>	\$184,963 72

PUBLIC INDEBTEDNESS.

On account of interest on Sinking Fund bond.....	\$71,293 18	
On account of State Debt Sinking Fund, (purchase of bonds and stocks).....	411,870 41	

ABSTRACTS FROM THE

On account of interest on War Loan Bonds.....	\$36,000 00	
On account of State debt interest.....	5,150 00	
On account of Six per Cent. Treasury Notes, principal.....	55 00	
On account of Six per Cent. Treasury Notes, interest.....	39 82	
		<u>\$524,708 47</u>

PUBLIC INSTITUTIONS.

On account of the Hospital for the Insane.....	\$31,071 33	
On account of the Asylum for the Deaf and Dumb	18,985 76	
On account of Asylum for the Blind.....	1,932 24	
On account of State Prison north.....	2,300 00	
On account of State Prison south.....	43,430 65	
		<u>\$97,719 98</u>

COLLEGE FUND.

On account of principal.....	\$14,700 00	
On account of interest.....	11 00	
On account of Professors' salaries.....	8,882 00	
		<u>\$18,593 00</u>

SALINE FUND.

On account of excess refunded.....	\$ 59 37	
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SURPLUS REVENUE FUND.

On account of principal distributed to Lake county.....	\$950 33	
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COMMON SCHOOL FUND.

On account of school distribution.....	\$726,268 08	
On account of interest refunded.....	1,440 88	
On account of liquor licenses refunded.....	100 00	
On account of tax of 1863 refunded.....	1,021 40	
		<u>\$728,830 96</u>

REVENUE.

On account of revenue of 1863 refunded.....	\$65,131 40	
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SINKING FUND TAX.

On account of tax of 1863 refunded.....	\$69 47	
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LIBRARY TAX.

On account of tax of 1865 refunded.....	101 72	
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MISCELLANEOUS.

On account of swamp lands.....	\$5,022 90	
On account of University lands.....	4,785 38	
On account of free banking.....	1,925 00	
On account of general fund.....	11,700 19	
On account of colonization.....	600 00	
On account of specific appropriations.....	75 00	
On account of agricultural premiums.....	1,090 00	
On account of Roll of Honor.....	36 50	
On account of equalization.....	2,097 62	
		<u>\$27,242 59</u>
Whole amount audited from Nov. 1, 1863, to Oct. 31, 1864.....		<u>\$1,752,529 70</u>

CONDITION OF THE TREASURY.

Balance in the Treasury November 1, 1863.....	\$606,127 22
Receipts during the year ending October 31, 1864.....	2,391,291 15
	<hr/>
	\$2,997,418 37
Amount of warrants drawn on the Treasury during the year ending October 31, 1864.....	\$1,752,529 70
	<hr/>
Balance in Treasury October 31, 1864.....	\$1,244,888 67

TRUST FUNDS.

A STATEMENT of the Receipts and Disbursements on account of the various Trust Funds.

COLLEGE FUND.

Receipts.

Balance on hand November 1, 1863.....	\$10,098 11
Principal.....	10,840 53
Interest.....	5,793 44
Damages.....	33 75
Costs.....	8 00
Sales of lands in Gibson county.....	675 00
	<hr/>
	\$27,448 83

Disbursements.

Principal.....	\$14,700 00
Interest.....	11 00
Professors' Salaries.....	3,882 00
	<hr/>
	18,593 00
Balance on hand October 31, 1864.....	<hr/>
	\$8,855 83

LOAN ACCOUNT.

Loans outstanding November 1, 1863.....	\$73,781 59
Loans collected during the year.....	10,840 53
	<hr/>
	\$62,941 06
Amount loaned during the year.....	14,700 00
	<hr/>
Amount outstanding October 31, 1864.....	\$77,641 06

SALINE FUND.

Receipts.

Balance on hand November 1, 1863.....	\$31,118 29
Principal.....	1,885 00
Interest.....	559 12
Damages.....	30 25
Costs.....	2 09
	<hr/>
	\$33,595 46

Disbursements.

Excess refunded.....	<hr/>
	\$59 37
Balance on hand October 31, 1864.....	<hr/>
	\$33,536 09

LOAN ACCOUNT.

Loans outstanding November 1, 1863.....	\$1,773 32
Loans collected during the year.....	1,885 00
Loans outstanding October 31, 1864.....	\$5,888 32

BANK TAX FUND.

Receipts.

Balance on hand November 1, 1863.....	\$22,484 56
Principal.....	300 00
Interest.....	162 44
Balance on hand October 31, 1864.....	\$22,947 00

LOAN ACCOUNT.

Loans outstanding November 1, 1863.....	\$3,116 99
Loans collected during the year.....	300 00
Loans outstanding October 31, 1864.....	\$2,816 99

CONGRESSIONAL TOWNSHIP FUND.

Balance same as last year.....	\$279 59
--------------------------------	----------

SURPLUS REVENUE FUND.

Receipts.

Balance on hand November 1, 1863.....	\$1,384 16
Principal.....	150 00
Interest.....	89 22
	\$1,623 38

Disbursements.

Principal to Lake county.....	\$950 33
Balance on hand October 31, 1864.....	\$673 05

LOAN ACCOUNT.

Loans outstanding November 1, 1863.....	\$1,624 65
Loans collected during the year.....	150 00
Outstanding October 31, 1864.....	\$1,474 65

TREASURY FUND.

Receipts.

Principal.....	\$700 00
Interest.....	1 75
	\$701 75

THREE PER CENT. FUND.

Balance same as last year.....	\$32 13
--------------------------------	---------

FUND FROM ESTATES WITHOUT HEIRS.

Balance same as last year.....	\$5,899 61
--------------------------------	------------

ABSTRACTS FROM THE

SWAMP LAND FUND.

Receipts.

Balance on hand November 1, 1863.....	\$70,365 08
Sales.....	6,064 38
	<hr/>
	\$76,429 46

Expenditures.

Drainage, &c.....	\$5,022 00
Balance October 31, 1864.....	<hr/>
	\$71,406 56

COMMON SCHOOL FUND DERIVED FROM CURRENT TAXES AND INTEREST
ON TRUST FUNDS.*Receipts.*

Balance on hand November 1, 1863.....	\$189,552 38
Tax of 1863.....	480 819 42
Tax of 1860.....	1,459 61
Delinquent tax of 1863.....	12,774 42
Delinquent tax of 1862.....	54,717 76
Delinquent tax of 1861.....	1,344 88
School Fund interest.....	98,852 67
Liquor licenses.....	54,319 18
Unclaimed fees.....	498 78
School distribution refunded.....	71 37
	<hr/>
	\$874,410 46

Disbursements.

Distributed to counties.....	\$726,268 68
Interest refunded.....	1,440 88
Liquor licenses refunded.....	100 00
Taxes of 1863 refunded.....	1,021 40
	<hr/>
	\$728,830 96
Balance on hand October 31, 1864.....	<hr/>
	\$145,579 50

STATE DEBT SINKING FUND.

Receipts.

Balance on hand November 1, 1863.....	\$525,454 95
Tax of 1863.....	382,541 06
Tax of 1860.....	916 61
Delinquent tax of 1863.....	8,972 49
Delinquent tax of 1862.....	30,009 63
Delinquent tax of 1861.....	133 64
Interest on stocks.....	1,075 00
	<hr/>
	\$949,103 37

Disbursements.

Purchase of bonds and stocks.....	\$411,870 41
Interest on War Loan bonds.....	36,000 00
Tax of 1863 refunded.....	69 47
	<hr/>
	447,939 88
Balance on hand October 31, 1864.....	<hr/>
	\$501,163 49

GENERAL FUND.

A STATEMENT showing, in detail, the warrants drawn upon the General Fund during the two fiscal years ending October 31, 1864:

DATE.	No. of Warrant.	TO WHOM ISSUED.	Amount.	NATURE OF CLAM.
1862.				
November	1 1702	S. E. Perkins.....	\$20 00	Holding Laporte Circuit Court.
"	1 1709	Geo. McQuat.....	1,800 00	Office rent to May 1, 1863.
"	5 1714	J. L. Worden.....	135 00	Holding Wabash, Marshall, Cass, and Miami Circuit Courts.
"	25 1914	J. S. Buckles.....	15 00	Holding Randolph Circuit Court.
December	4 1971	Charles H. Mason.....	25 00	Holding Orange Circuit Court.
"	8 2016	Millan Stapp.....	35 00	Docket fees, Jefferson C. Court.
"	8 2017	J. Y. Allison.....	35 00	Docket fees.
"	18 2047	J. W. Chapman.....	30 00	Holding Sullivan Circuit Court.
"	18 2050	S. Claypool.....	30 00	Holding Switzerland Cir. Court.
"	22 2068	S. E. Perkins.....	35 00	Holding Marion Circuit Court.
"	31 2148	John P. Jones.....	36 93	Fees in case of Dodd v. State.
1863.				
January	2 2179	Jacob N. Haynes.....	15 00	Holding Delaware Circuit Court.
"	20 2417	John M. Cowan.....	15 00	Holding Tippecanoe Cir. Court.
"	22 2437	J. W. Chapman.....	25 00	Holding Sullivan Circuit Court.
"	30 2579	S. Claypool.....	35 00	Holding Vigo Circuit Court.
February	10 2790	M. S. Bright.....	37 50	Docket fees.
"	20 2941	C. E. Walker.....	20 00	Holding Ohio Circuit Court.
"	20 2943	S. E. Perkins.....	30 00	Holding Rush Circuit Court.
"	25 3001	John Baker.....	45 00	Holding Dubois Circuit Court.
March	23 3500	J. S. Harvey.....	100 00	Overcharged in settlement.
April	13 3615	J. E. McDonald.....	40 00	Holding Putnam Circuit Court.
"	14 3623	P. S. Kennedy.....	15 00	Holding Hendricks Cir. Court.
"	17 3653	O. P. Morton.....	1,048 57	Furniture, fuel, and stationery.
"	22 3672	C. A. Ray.....	85 00	Holding Marion Circuit Court.
"	23 3675	E. W. Brown.....	10 13	Repairs on Governor's house.
"	24 3678	S. E. Perkins.....	24 00	Holding Clark Circuit Court.
"	26 3684	J. F. Ramsey.....	12 00	Table for Governor's office.
May	8 3775	S. Claypool.....	15 00	Holding Monroe Circuit Court.
"	9 3777	J. L. Worden.....	95 00	Holding Miami, Huntington, and Wabash Circuit Courts.
"	11 3786	C. E. Walker.....	40 00	Holding Jefferson and Jennings Circuit Courts.
"	26 3855	A. C. Downey.....	15 00	Holding Jefferson Circuit Court.
"	27 3861	J. & W. C. Burk.....	12 00	Coal for Governor's house.
"	27 3863	W. B. Holloway.....	50 00	Postage and Revenue Stamps for Governor's office.
"	27 3863	Diebold, Banman & Co.....	600 00	Safe for Governor's office.
June	5 3893	H. Leiber.....	7 65	Furniture for Governor.
"	5 3894	C. Kindler.....	3 15	Furniture for Governor.
"	6 3900	J. W. Chapman.....	50 00	Holding Floyd Circuit Court.
"	9 3903	E. G. Lowden.....	25 00	Postage for Governor's office.
"	17 3920	J. M. Harlan.....	85 00	Docket fees, Wabash county.
"	24 3929	J. M. Harlan.....	87 50	Docket fees, Grant county.
"	25 3931	John L. Miller.....	372 00	Docket fees and special terms.
"	29 3936	E. W. Brown.....	8 25	Furniture and repairs to Governor's house.
"	29 3938	S. Claypool.....	80 00	Holding Jefferson Circuit Court.
July	1 3991	S. E. Perkins	35 00	Holding Decatur and Marion Circuit Court.
"	7 4039	C. Elliott.....	6 00	Furniture for Governor's house.
"	8 4041	A. H. Conner, P. M.....	8 37	Postage for Governor's office.
"	8 4049	Hume, Lord & Co.....	128 26	Furniture for Governor's house.
"	17 4124	Martin Fenner.....	25 00	Postage for Governor's office.
"	22 4131	Bowen, Stewart & Co.....	17 70	Stationery for Governor's office.
"	28 4160	Gas Co.....	22 15	Gas for Governor's house.
"	30 4167	S. Claypool.....	30 00	Holding Circuit Courts.
August	3 4172	Levi Comegys.....	12 50	Furniture for Governor's office.
"	3 4173	Wm. Braden.....	381 90	Stationery for Governor's office.
"	6 4180	M. H. Good.....	5 92	Furniture for Governor's office.
"	14 4189	E. G. Louden.....	35 00	Postage for Governor's office.
"	16 4192	Levi Comegys.....	7 00	Setting safe, in Governor's office.

GENERAL FUND—Continued.

DATE.	No. of Warrant.	TO WHOM ISSUED.	Amount.	NATURE OF CLAIM.
1863.				
August	26 4217	James Breckenridge.	\$45 09	Holding Allen Circuit Court.
"	27 4218	S. E. Perkins.....	30 00	Holding Marion Court of Com- mon Pleas.
September	1 4222	S. Golns.....	3 00	Labor at State house.
"	2 4224	S. E. Perkins.....	20 00	Holding Hendricks Cir. Court.
"	9 4228	N. G. Shaffer.....	15 00	Holding Pulaski Circuit Court.
"	11 4235	S. E. Perkins.....	30 00	Holding Boone Circuit Court.
"	19 4247	W. H. H. Terrell.....	96 93	Expenses of Governor's office.
"	19 4247	S. Claypool.....	20 00	Holding Switzerland Cir. Court.
"	19 4218	Ehrgott, Forbriger & Co.	46 50	Stationery for Governor's office.
"	23 4256	E. Jenkins.....	4 12	Glazing at Governor's house.
"	24 4263	Hume, Lord & Co.....	80 70	Carpeting for Governor's office.
October	2 4296	J. M. Hanna.....	50 00	Holding Vigo Circuit Court.
"	5 4316	John E. Daxon.....	50 00	Postage for Governor's office.
"	6 4338	Werden & Co.....	42 35	Stationery for Governor's office.
"	10 4354	Gas Co.....	25 50	Gas for Governor's house.
"	10 4359	J. C. Dunn.....	82 25	Gas fixtures for Governor's house and office.
"	16 4375	W. E. Niblack.....	15 00	Holding Pike Circuit Court.
"	17 4381	Speigel, Thoms & Co.....	65 00	Furniture for Governor's house.
"	17 4383	J. Ristine, Auditor.....	422 51	Office expenses from January 25 to September 30, 1863.
"	17 4384	J. S. Athon, Secretary....	424 76	Office expenses from January 15 to September 30, 1863.
"	19 4386	W. R. Holloway.....	20 75	Expenses Governor's office.
"	19 4387	G. F. Adams.....	3 50	Furniture for Governor's office.
"	19 4391	Stewart, Bowen & Co.....	564 37	Stationery for State offices and Legislature.
"	21 4404	Jas. Brown.....	25 00	Holding Jay Circuit Court.
"	28 4447	A. D. Fobes.....	50 00	Stamps for Governor's office.
"	31 4466	Geo. McQuat.....	1,80 00	Office rent to May 1, 1864.
Total for the year ending Oct. 31, 1863.....			\$10,074 74	
1863.				
November	2 4473	S. E. Perkins.....	\$35 00	Holding Carroll Circuit Court.
"	4 4485	J. M. Haynes.....	60 00	Holding Randolph Circuit Court.
"	6 4497	J. E. Daxon.....	50 00	Postage for Governor's office.
"	9 4501	Werden & Co.....	20 00	Furniture for Governor's house.
"	12 4506	J. L. Worden.....	60 00	Holding Miami Circuit Court.
"	13 4513	M. Mason.....	5 50	Whitewashing Governor's house.
"	18 4525	H. H. Dodd & Co.....	180 63	Blank books and binding.
"	19 4527	D. T. Laird.....	30 00	Holding Circuit Courts.
"	20 4531	S. E. Perkins.....	15 00	Holding Boone Circuit Court.
"	21 4537	John Davis.....	30 00	Holding Henry Circuit Court.
"	24 4540	S. Claypool.....	10 00	Holding Union Circuit Court.
December	1 4558	E. L. Palmer.....	19 00	Register of receipts, Aud. office.
"	2 4562	J. H. Ross.....	22 00	Coal for Governor's office.
"	3 4564	S. E. Perkins.....	10 00	Holding Wayne Circuit Court.
"	3 4565	D. D. Banta.....	15 00	Holding Johnson Circuit Court.
"	3 4566	W. H. H. Terrell.....	39 00	Stamps for Governor's office.
"	5 4572	J. E. Daxon.....	100 00	Postage for Governor's office.
"	5 4574	J. & W. C. Burk.....	45 00	Coal for Governor's office.
"	5 4575	S. Claypool.....	50 00	Holding Ripley Circuit Court.
"	5 4576	T. Sullivan.....	10 00	Repairs of Governor's house.
"	16 4594	John L. Miller.....	80 00	Prosecuting in Tippecanoe co.
"	21 4599	C. Kindler.....	5 00	Repairs of Governor's house.
"	24 4603	T. W. Woollen.....	15 00	Holding Johnson Circuit Court.
"	28 4606	Ehrgott, Forbriger & Co.	227 85	Stationery for Governor's office.
"	30 4613	A. H. Conner, P. M.....	24 16	Postage and box rent for Govern- or's office.
1864.				
January	2 4626	J. S. Athon, Secretary....	273 12	Office expenses to Dec. 31, 1863.
"	2 4631	J. Ristine, Auditor.....	234 14	Office expenses to Dec. 31, 1863.
"	5 4642	Eden & Copeland.....	164 60	Repairs of Governor's house.
"	5 4644	J. H. Ross.....	66 00	Coal for Governor's office.
"	6 4652	B. D. Logan.....	40 00	Holding Switzerland Cir. Court.
"	6 4653	B. Egbert.....	25 00	Holding Fulton Circuit Court.
"	6 4656	Werden & Co.....	15 35	Wall paper for Governor's house.
"	7 4659	A. H. Conner, P. M.....	28 19	Postage and box rent for Govern- or's office.
"	8 4668	C. E. Hawthorn.....	20 05	Queenware for Governor's house.
"	8 4669	Chas. Mayer.....	7 20	Furniture for Governor's house.
"	8 4674	John Lanahan.....	3 00	Fuel account for Gov. office.
"	11 4689	J. B. Wilson.....	15 40	Hardware for Governor's house.
"	12 4696	Gas Co.....	56 65	Gas for Governor's house.

GENERAL FUND—Continued.

DATE.	No. of Warrant.	TO WHOM ISSUED.	Amount.	NATURE OF CLAIM.
1864.				
January	16 4711	R. L. & A. W. McQuat....	\$12 50	Furniture for Governor's house.
"	19 4120	H. Leiber.....	7 00	Furniture for Governor's house.
"	21 4730	J. H. Ross.....	132 00	Coal for Governor's office.
"	25 4734	Hume, Lord & Co.....	25 05	Furniture for Governor's office.
"	27 4740	J. F. Ramsey.....	25 00	Furniture for Governor's office.
"	29 4742	J. & W. C. Burk.....	65 00	Coal for Governor's office.
"	29 4743	J. G. Douglass.....	12 25	Stationery for Governor's office.
February	3 4755	J. F. Wallick.....	15 00	Telegraph stamps for Governor's office.
"	4 4759	A. H. Conner, P. M.....	100 00	Postage for Governor's office.
"	5 4762	Amos Lovering.....	20 00	Holding Floyd Circuit Court.
"	11 4769	S. Claypool.....	10 00	Holding Owen Circuit Court.
"	12 4775	Speigel, Thoms & Co.....	47 50	Furniture for Governor's office.
"	22 4788	Wm. M. Clapp.....	25 00	Holding Wells Circuit Court.
"	23 4794	J. L. Worden.....	120 00	Holding Wells, Huntington, and DeKalb Circuit Courts.
"	25 4807	W. B. McKinney.....	3 00	Repairs, Governor's house.
"	26 4809	Speigel, Thoms & Co.....	191 05	Furniture and repairs, Governor's house.
"	29 4811	J. H. Ross.....	66 00	Coal for Governor's office.
March	1 4812	E. L. Palmer.....	12 50	Settlement sheets for Auditor's office.
"	1 4813	W. H. Turner.....	92 50	Moving safe, repairs, &c., Governor's office.
"	3 4818	W. H. H. Terrell.....	5 75	Whitewashing Governor's house.
"	8 4827	Wm. Braden.....	444 77	Stationery for Governor's office.
"	14 4832	C. Kinder.....	6 60	Repairs, Governor's house and office.
"	23 4852	M. F. Burke.....	20 00	Holding Vigo Circuit Court.
"	25 4856	A. H. Conner, P. M.....	100 00	Postage for Governor's office.
April	2 4879	J. Rietine, Auditor.....	247 87	Office expenses to March 31, 1864.
"	2 4888	J. S. Athon, Secretary.....	326 28	Office expenses to March 31, 1864.
"	4 4891	W. F. Parrett.....	25 00	Holding Orange Circuit Court.
"	7 4914	S. E. Perkins.....	20 00	Holding Jefferson Circuit Court.
"	12 4961	J. F. Ramsey.....	24 00	Chairs for Governor's House.
"	12 4962	N. H. Johnson.....	15 00	Holding Randolph Circuit Court.
"	12 4967	Gas Company.....	42 40	Gas for Governor's house.
"	13 4969	J. H. Ross.....	110 00	Coal for Governor's office.
"	13 4971	J. C. Dunn.....	67 66	Gas fitting for Governor's house.
"	18 4980	S. F. Wetmore.....	4 50	Blanks for Governor's office.
"	18 4981	John Lanahan.....	4 00	Putting away coal for Governor's office.
"	18 4982	Munson & Johnson.....	34 37	Repairs, Governor's house.
"	20 4990	N. H. Johnson.....	40 00	Holding Jay Circuit Court.
"	20 4993	A. H. Conner, P. M.....	32 47	Postage for Governor's office.
"	26 5005	S. E. Perkins.....	45 00	Holding Marion and Clark Circuit Courts.
"	28 5030	W. H. H. Terrell.....	40 00	Postage for Governor's office.
"	28 5032	A. H. Conner, P. M.....	50 00	Postage for Governor's office.
"	29 5033	Munson & Johnson.....	79 99	Stoves and furniture for Governor's house.
"	29 5041	Oty Wysong.....	2 50	Repairs, Governor's house.
"	30 5044	John C. Williams.....	5 75	Whitewashing Governor's house.
May	2 5045	J. C. Dunn.....	15 15	Repairs, Governor's house and office.
"	2 5047	J. H. Ross.....	44 00	Coal for Governor's office.
"	3 5033	Wm. M. Clapp.....	50 00	Holding Noble and Lagrange Circuit Court.
"	6 5066	S. E. Perkins.....	25 00	Holding Carroll Circuit Court.
"	12 5095	John T. Scott.....	30 00	Holding Putnam Circuit Court.
"	12 5101	C. Y. Patterson.....	70 00	Holding Vigo and Sullivan Circuit Court.
"	13 5104	J. L. Worden.....	125 00	Holding Allen, Wabash, and LaPorte Circuit Courts.
"	16 5112	A. L. Osborn.....	30 00	Holding Tippecanoe Cir. Court.
"	23 5146	Simeon Gowen.....	5 00	Whitewashing Governor's house.
"	23 5147	J. & W. C. Burk.....	40 00	Coal for Governor's house.
"	26 5160	B. McClelland.....	10 00	Holding Bartholomew Cir. Court.
"	27 5168	John Ebert.....	88 55	Repairs, Governor's house and office.
"	28 5176	O. B. Gilkey.....	104 36	Repairs, stationery room.
"	30 5181	Ehrgott, Forbriger & Co.....	145 00	Letter Heads and Envelopes for State offices.
"	31 5182	Journal Company.....	16 00	Journal for Governor's office.
"	31 5185	M. H. Good.....	32 88	Furniture for Governor's house.

GENERAL FUND—Continued.

DATE.	No. of Warrant.	TO WHOM ISSUED.	Amount.	NATURE OF CLAIM.
1864.				
June	1 5186	A. H. Conner, P. M.....	\$10 35	Postage and box-rent for Governor's office.
"	3 5191	C. Y. Patterson.....	10 00	Holding Putnam Circuit Court.
"	4 5193	A. D. Fobes.....	50 00	Postage for Governor's office.
"	16 5213	John Ebert.....	5 50	Repairs of Governor's office.
"	16 5218	Wm. McCune.....	72 40	Wood for Governor's house.
"	18 5226	W. H. Schlater.....	10 00	Stamps for Governor's office.
"	22 5237	S. Claypool.....	25 00	Holding Marion Circuit Court.
"	23 5243	C. Mayer.....	16 25	Furniture for Governor's house.
"	25 5248	Wm. Wiseman.....	25 40	Moving furniture, Gov.'s house.
"	25 5149	R. L. & A. W. McOuat....	72 00	Tin boxes for Secretary's office.
"	29 5253	A. D. Fobes.....	100 00	Postage for Governor's office.
July	1 5259	S. Claypool.....	20 00	Holding Putnam Circuit Court.
"	1 5260	Bowen, Stewart & Co.....	193 70	Stationery for Sec'y and Aud'r.
"	1 5264	Geo. McOuat.....	3,000 00	Office rent to May 1, 1865.
"	2 5272	R. L. & A. W. McOuat....	23 50	Stove, &c., for Auditor's office.
"	2 5273	J. S. Athon, Secretary....	298 92	Office expenses to June 30, 1864.
"	2 5279	Jero Wadden.....	46 50	Cleaning State House.
"	5 5282	J. Ristine, Auditor.....	331 88	Office expenses to June 30, 1864.
"	11 5334	W. H. Bainbridge.....	25 00	Holding Circuit Court.
"	12 5341	G. T. Burson.....	20 00	Holding Pulkaski Court.
"	14 5350	S. E. Perkins.....	20 00	Holding Johnson Court.
"	25 5371	A. D. Fobes.....	100 00	Postage for Governor's office.
"	25 5376	R. L. & A. W. McOuat....	28 65	Repairs of Governor's house.
"	26 5383	Wm. Braden.....	357 22	Stationery for Governor's office.
"	26 5385	Gas Company.....	35 16	Gas for Governor's house.
"	26 5387	Bowen, Stewart & Co.....	52 60	Stationery for Governor's office.
"	26 5388	J. Kingham.....	4 00	Brooms for Governor's office.
"	30 5394	B. McClelland.....	15 00	Holding Jackson Circuit Court.
August	11 5428	C. A. Hawthorn.....	10 60	Queensware for Gov'nor's house.
"	19 5441	A. H. Conner, P. M.....	36 45	Postage and box-rent for Governor's office.
"	22 5446	C. A. Woodbridge.....	14 70	Queensware for Gov'nor's house.
"	27 5451	D. P. Vinton.....	15 00	Holding White Circuit Court.
September	1 5457	C. E. Walker.....	40 00	Holding Ripley Circuit Court.
"	5 5462	E. L. Palmer.....	76 50	Binding sale lists, &c.
"	9 5468	R. L. & A. W. McOuat....	7 55	Repairs of Governor's house and office.
"	12 5476	Geo. H. West.....	100 00	Postage for Governor's office.
"	12 5481	John Dunn.....	33 00	Repairs of Governor's house.
October	3 5534	J. Ristine, Auditor.....	328 16	Office expenses to Sept. 30, 1864.
"	5 5550	J. S. Athon, Secretary....	180 48	Office expenses to Sept. 30, 1864.
"	18 5599	G. W. Pitts.....	43 00	Ice for Governor's office.
"	18 5608	A. H. Conner, P. M.....	19 12	Postage and box-rent, Executive offices.
"	19 5618	N. H. Johnson.....	50 00	Holding Henry Circuit Court.
"	20 5648	C. Kindler.....	5 50	Locks for Governor's house.
"	25 5701	S. E. Perkins.....	25 00	Holding Hendricks Cir. Court.
"	31 5705	E. W. Brown.....	27 60	Repairs for Governor's house.
Total for the year ending Oct. 31, 1864.....			\$11,700 19	

PUBLIC DEBT.

The following statement of the condition of the Public Debt is furnished by the Agent of State:

Indiana State Bonds.

There is outstanding of these bonds the same as reported last year, 353 bonds of \$1,000 each..... \$353,000 00

Five per cent. State Stock.

There is outstanding of this stock the same as reported last year..... \$5,342,500 00

Two and one-half per cent. State Stock.

There is outstanding of this stock the same as reported last year..... \$2,076,460 50

Five per cent. Preferred Canal Stock.

There is outstanding of this stock the same as reported last year..... \$4,079,500 00

Five per cent. Preferred Special Canal Stock.

There is outstanding of this stock the same as reported last year..... \$1,216,737 50

Five per cent. Deferred Canal Stock.

There is outstanding of this stock the same as reported last year..... \$1,268,000 00

Five per cent. Deferred Special Canal Stock.

There is outstanding of this stock the same as reported last year..... \$508,770 00

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